

Student Services, as described in the Indiana State Board of Education administrative rule, consists of three basic services: **Educational and Career Services; Health Services;** and **Student Assistance Services.** While these services are presented as distinct, there is necessarily overlap. Students and their problems do not fit into neat categories. Academic performance and career decisions are influenced in a complex way by a number of personal and social factors. The inter-relationship between physical health and mental health is well established. Students experiencing problems in one area of their lives are at risk of developing problems in other areas. Student Services personnel must work together to remove barriers to learning and to provide the support necessary for all students to succeed.

Working together requires that each of the services understands that it is an integral part of a larger system called the Student Services Program. To function as a program, there must be a common vision and goals, joint planning and implementation and shared accountability. These program elements can best occur in schools when Student Services personnel think of themselves as being part of a program team.

The purpose of this program guide is to provide more direction to schools as they develop or improve their Student Assistance Services. Except where an administrative rule or law is cited, schools may choose to use or adapt the ideas presented in this program guide as their local situation dictates.

This program guide is a companion to two other resources available to Student Services personnel. The School Health Manual (1992) is currently being revised and will be reissued in 2001. The Indiana Educational and Career Services Planning and Implementation Guide, K-Adult was published in 1997 and was sent to every school. Together these three resources will serve as a basis for designing and implementing a Student Services Program.

Your comments and questions are welcomed. You may write to the Director of Student Services, Indiana Department of Education, Room 229, State House, Indianapolis, Indiana 46204-2798; call 1-800-833-2199 (or 317-232-9111); fax: 317-232-9140; or email sdavis@doe.state.in.us.

Also, visit our home page at <www.doe.state.in.us/sservices>.

INTRODUCTION

STUDENT SERVICES PROGRAM

As defined by the Indiana State Board of Education's administrative rule, **Student Assistance Services (SAS)** refers to those services whose purpose is to prevent or alleviate problems that interfere with student learning. (See IAC 4-1.5-5 on page 85.)

There are four basic components of
Student Assistance Services:

- 1) Prevention
- 2) Referral
- 3) Assessment and
- 4) Intervention.

These services are to be coordinated by a certified school counselor, school social worker, or school psychologist who will also deliver many of the services. The core of SAS and the principal delivery system is the interdisciplinary team.

The team is the preferred method of delivering SAS for several compelling reasons:

- ♦ To improve the quality of intervention strategies by utilizing the skills and experiences of each member of the team;
- ♦ To share the burden of responsibility for decisions that greatly impact the lives of others;
- ♦ To increase the capacity of the school staff and parents to handle student problems;
- ♦ To increase the accountability of the school's system of identifying and referring students experiencing difficulty.

While the team is important for all the reasons stated above, the SAS professional (certified school counselor, psychologist, or social worker) is the key point of entry into the SAS model presented in this program guide. There will be crisis referrals where immediate action is required by the SAS professional as well as referrals where a brief consultation will suffice. Other referrals will be taken to the team for consideration. The clinical judgement of the mental health professional remains a critical component, even of a team-based SAS model.

Some schools will decide not to use the team approach. In these schools, Student Assistance Services will resemble traditional school mental health intervention programs. Single professionals are urged to incorporate the documentation recommended for the teams in this program guide, if this is not already standard practice. Other schools will use a team approach, but one that is significantly different than the team approach presented in this

CHAPTER 1

OVERVIEW OF STUDENT ASSISTANCE SERVICES

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program guide. This alternative team approach will be more informal and rely on loose networks of individuals who will be consulted but who may not meet on a regular basis.

Schools that adopt a SAS team model will have to give consideration to the team's relationship to any existing teams. Since 1992, schools have been required by special education rules (general education intervention, GEI) and advised by a state advisory group on Section 504 of the Rehabilitation Act of 1973 to have teams to address learning problems for both the regular and disabled student populations. The SAS team could serve the purposes of GEI and Section 504, as well as the Student Services rule. At the least, if schools have more than one team to serve similar requirements, then there should be regular communication among the teams.

Student Assistance Services should be more than a means of handling referrals. There are a number of services needed if SAS are to make a significant contribution to the education of children and adolescents.

PREVENTION

While it is commonly accepted that prevention is more cost effective than intervention, many schools continue to put more time and resources into intervention than into prevention. The reason for this is simple — students in crisis or distress must be attended to immediately, and there are so many students in need of immediate help that prevention gets pushed down the list of priorities. Yet, this component of Student Assistance Services is likely to result in the most good for the most people and has to be continually pressed to the forefront of SAS programming. Chapter 3 will present more in-depth discussion of key components of SAS prevention services.

REFERRAL

Referral services can be both internal and external. Internal referrals are to the Student Assistance team itself. Through teacher inservices, parent newsletters, student handbooks, and other forms of communication, the team informs key constituents on the procedures for accessing Student Assistance Services. Recommendations for the internal referral system will be discussed in more detail in Chapter 4. The external referrals are to community agencies by the SAS professional and/or the team. These community referrals may augment the intervention program being provided by the school, or the student and family may be referred to a community resource who will be the primary provider of services. Community referrals also will be covered in Chapter 4.

ASSESSMENT

Assessment occurs at several points in Student Assistance Services. The initial level of assessment is done by staff, parents, and students to determine appropriate referrals. The role for the SAS professionals and the team at this first level is to keep the school community vigilant to potential student problems and to provide a referral system that is easy to use. Once a referral is made, the SAS professional and/or team will initiate a more in-depth assessment to determine whether and what services are needed. Chapter 6 will cover assessment issues.

INTERVENTION

Intervention services (Chapter 7) are the heart of Student Assistance Services. Intervention services must support the referral and assessment processes. The extent of intervention services provided by the school will depend on school and community resources. However, one of the guiding concepts of Student Assistance Services is that counseling services be time-limited and that any family needing on-going counseling be referred to a community provider.

This program guide also contains chapters on crisis intervention, legal and ethical issues, and program management. Crisis intervention is given a separate chapter because of the extensive and specialized nature of this type of intervention. Finally, there are several elements of program management to consider, the most critical of which is evaluation.

Note that Student Assistance Services is different than the traditional approach of a Student Assistance Program. Where traditional Student Assistance Programs focused on students with alcohol and other drug problems, Student Assistance Services address these and other student concerns that interfere with learning.

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CHAPTER 2

POLICY AND
PROCEDURES

A local school board policy on Student Assistance Services is important for two reasons. Foremost, an approved policy gives legitimacy to the services. As will be discussed in more detail in Chapter 9 on Legal Issues, all school programs and purposes are grounded in federal or state law or local policies. Student Assistance Services are based, first of all, in Indiana State Board of Education administrative rule. Having a locally approved SAS policy gives these services yet another foundation. Equally important, the process of getting local board approval for a SAS policy gives visibility to the services and communicates to all staff and parents the message that these services are important and that procedures associated with the policy are to be followed.

POLICY

Policies are written in general terms and reflect the beliefs or philosophy that the local board has toward SAS. The following ideas are recommended for consideration when writing a SAS policy:

- ♦ All students will be treated with dignity and as active partners to the fullest extent possible.
- ♦ Equity and fairness are best guaranteed when systematic procedures are developed and followed for each referral.
- ♦ Parents will be involved at the earliest time and to the fullest extent possible.
- ♦ Confidentiality is paramount and will only be breached when required by law.
- ♦ Student Assistance professionals shall adhere to the highest ethical principles and provide only those services for which they are qualified.

One area of potential difficulty with SAS policies is its relationship to disciplinary policies. It is generally accepted that school discipline and intervention policies should be separate. However, the SAS policy and school disciplinary policies must be complementary and not contradictory. Both share the goal of helping students achieve their full potential.

PROCEDURES

Procedures are written in specific terms and lay out the referral process step-by-step. SAS procedures should also address how the SAS professional/team will handle the referrals and how records are maintained.

There are two schools of thought with respect to whether a local school board should approve both policies and procedures. One school of thought is that local boards should only involve themselves with policies and leave administrators and SAS professionals to develop procedures to implement

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policies. The other school of thought is that policy is not well understood unless procedures are included in the package. Local school boards will have a history of approving only policies or both policies and procedures. It is recommended that both policies and procedures be approved by the local board. However, Student Assistance Services will have to work within the orientation of their local superintendent and school board.

See a sample policy and set of procedures on pages 43 and 45.

CHAPTER 3

PREVENTION

Prevention is a concept that makes intuitive sense but has been difficult to empirically prove. Simply defined, prevention is an activity (intervention) performed in order to stop (prevent) another event from happening. It is a concept borrowed from physical health. For example, one of the earliest prevention programs was disease inoculations. By building up the specific antibodies through inoculations, patients were able to better fight off infections. The concept was later applied to mental health and the question became, “What can be done to prevent debilitating mental health problems, including such prevalent problems as substance abuse?”

There is a growing body of research that is leading to a better understanding of the factors which positively and negatively influence child and adolescent behavior. Student Assistance professionals are encouraged to review Catalano and Hawkins’ (Psych. Bulletin, 1992, Vol. 1, p. 64) model of what they refer to as “risk and protective” factors. As the terms suggest, there are factors that put students at-risk that must be countered, and there are certain protective factors that can be strengthened or augmented. A good summary of their work, Communities that Care: A Comprehensive Prevention Program, is available from the Office of Student Services.

Of the many prevention approaches, there are two that are particularly worthy of attention. The first approach is building personal and social competencies through the school curricula. Both the Social Studies and Health Education Curriculum Standards address personal and social competence. The entire kindergarten focus in social studies is called “Living and Learning Together.” Moreover, one of the nine content strands of social studies woven throughout the elementary school curricula is entitled “Individuals and Society” and covers many social skill areas. Two of the ten content areas of health education — “Mental and Emotional Health” and “Alcohol Tobacco and Other Drugs”— are areas about which Student Assistance professionals have specialized knowledge. Student Services professionals should offer their assistance to classroom teachers in planning and teaching lessons that lead to social and personal competence. The May 1997 issue of Educational Leadership, the journal of the Association for Supervision and Curriculum Development (ASCD), is devoted to Social and Emotional Learning and is an excellent overview and resource guide to this critical area of the school curricula.

The second prevention program that should be found in all schools is a mentoring program. Numerous research studies have shown what most people know instinctively and that is at-risk students need to know that there is someone in the school community who cares about them and shows sustained interest in them. Mentors can be fellow students, school staff, or community members or a combination of all three. Mentoring is a simple but powerful tool to provide the emotional support that many students lack.

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ver, good mentoring programs require structure and support. Mentors
o be trained and monitored. The Office of Student Services has an
ent resource guide on mentoring, and a complimentary copy of this
is available upon request.

are other prevention programs that have been shown to be effective
roving school climate and personal competence— parent education,
it mediation, advisory programs, and character education to name a
few. Social skill training and mentoring are highlighted as two of the more
ful approaches.

CHAPTER 4

REFERRALS

There are two kinds of referrals in Student Assistance Services— internal and external. Internal referrals are those made to the Student Assistance professional/team. External referrals means those referrals from the professional/team to a community resource. As stated in Chapter 2, all constituents should be knowledgeable about the policies and procedures regarding internal referrals. Procedures should be included in staff, parent, and student handbooks. Annual presentations at teacher orientation or inservice days are highly recommended.

A good referral system depends, first of all, on appropriate referrals. Appropriate referrals, in turn, depend on those referring being aware of child and adolescent development and indicators of potential problems. Whenever possible, Student Assistance professionals should avail themselves of opportunities to educate the public on what to expect from children and adolescents and on signs of trouble. It is particularly critical to make school staff aware of potential problems with shy, socially isolated children. Aggressive and antisocial children can often obscure the view of withdrawn children.

The formal referral process begins with the completion of the SAS referral form. See pages 47-51 for sample forms. These forms must balance the need for detailed information with ease of use. Checklists are easy for school staff because they are simple to complete. The inclusion of attempted strategies both prevents wasted time and sends a signal to the teacher or parent (or student) that active involvement in intervention is expected. Adding a “strengths or assets” section conveys useful information to the SAS professional/team and also serves as a gentle reminder to those making a referral that all children demonstrate positive as well as negative behaviors. Finally, including a section on parent contact reinforces the recommended policy of involving parents as soon as problems arise in school. Forms are not only a means to gather information; they also serve an educational function.

The recommended procedure is for the referral form to be handed to the Student Assistance professional directly. If the form is to be routed or left in a mailbox, it should be placed in a special envelope. **It is critical that confidentiality be observed from the beginning of the process.** The SAS professional will generally follow up with the person making the referral to verify information and begin a case conceptualization process to determine whether a one-time consultation, immediate crisis intervention, or a referral to the SAS team is the best plan of action. If the SAS professional has an unclear picture of the student’s situation, he or she may review student records and solicit information from other school staff and the student’s parents before deciding how to handle the referral. The clinical judgement of the SAS professional along with the meeting schedule of the SAS team play key

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roles in determining how cases will be handled. All information gathered becomes a part of the school's SAS records. Even one-time consultations, as well as crisis intervention sessions, should be logged and documented.

It is the philosophy of this SAS model to involve the referring person in the planning and implementation of the student intervention plan. It is important to remember that a SAS referral does not remove the referral source's responsibility for the student. The concept of referring must be changed from one of "passing a student along to someone else" to "expanding the circle of resources and support" for aiding students and their families. However, there will be times when the referring person is not involved. It is important in those instances that the referring person receive some feedback from the SAS professional or team. Some case information may be sensitive and may have to be withheld. All persons involved in SAS must feel that the process is working for them to help students.

During the early stages of development, the team may receive a large number of referrals as the school staff and team members become more sensitive to student needs. Patience during start-up is important, and the success of the program will depend upon how these initial referrals are treated. If a team receives more referrals than can be handled within the confines of the local board approved program, a second team may need to be developed, or the team may need to meet more than once a week until the referrals become more manageable with regular weekly meetings.

External referrals will be made when additional expert judgement is needed, e.g., physical examinations, or when long term or specialized treatment is warranted. For both legal and ethical reasons, SAS should not make referrals to specific community providers. It is recommended that the SAS program maintain a list of community providers for various services. Once the external referral has been made, the school needs to monitor progress by maintaining contact with the student and parent and external professional or agency. The external referral process is a component of the total SAS program, and its effectiveness should be periodically evaluated.

CHAPTER 5

STUDENT
ASSISTANCE
SERVICES TEAMS

As stated in Chapter 1, Student Assistance Services are best delivered using a multidisciplinary team (hereafter referred to as the “team”). The team meets regularly to review collected data about students who are a concern to school staff, to themselves, other students, parents, or community members. The team is trained in SAS procedures and strategies. They meet to assess the needs of students referred to the team and to develop student intervention plans. A case manager is appointed, and the plan is then implemented, monitored, and evaluated.

Attention to team dynamics will improve the quality of strategies and decisions offered to students and families. Teams combine professional staff with unique orientations and diverse talents and expertise. Time must be provided for the team to advance through team developmental stages, work together effectively, and blend together different styles and strengths. Team members who have strengths in such areas as verbal and nonverbal communication, problem solving, organizational skills, accountability and commitment, creative thinking, and task orientation are instrumental for an effective team.

TEAM MEMBERS

A cross section of the entire school staff who are respected add credibility to the team. Special areas within the school need to be represented such as administration, student services, special education, as well as general classroom teachers. Also, consider staff with school-wide responsibilities, such as Title I, fine arts, and physical education, who may follow many students throughout their school careers. Foremost among team characteristics is for team members to be child advocates who will make decisions in the best interest of students.

Open and clear communication is imperative for ensuring cohesion and collaboration. Cohesive teams are able to provide appropriate feedback to one another and offer constructive ways to identify and deal with conflict. It takes time and deliberate measures to build cohesive teams; therefore, team members are encouraged to serve at least a two-year term before rotating off the team. Specific positions within the school will require a longer commitment from some team members, such as the SAS professional, the administrator, or the school nurse. To prevent the team from becoming exclusionary, a regular rotation schedule should be established.

Some key school staff may already be meeting informally in some schools. The formal team process provides more structure. It may not be necessary to implement a total revision of the way people are already meeting, but a more systematic approach may add credibility to the existing process and may prevent missing students who need prevention and intervention services.

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PRE-MEETING TASKS

The team leader (most likely the SAS professional) will need a preliminary file or case for presentation to the team. The expectation, particularly at the elementary school level, is that the student's classroom teacher will have begun to gather information. If this information has not been assembled, the best practice for the SAS professional is to limit the preliminary assessment to low level, non-intrusive activities. These would include, but not necessarily be limited to:

- ♦ reviewing the student's cumulative records,
- ♦ surveying or interviewing other staff who have contact with the student, and
- ♦ informally observing the student.

These three activities should provide sufficient data for the SAS professional and/or the team to determine if further study or intervention and parent notification is warranted. This preliminary information should be recorded on a student profile sheet that is kept on file.

TEAM MEETING

Team members should come to meetings prepared to collaborate with all members. It is important to be on time and available for the entire meeting. Each team member must read all documentation thoroughly to acquaint themselves with the student. The referring teacher may be present to answer questions and to take an active role in the meeting. The team begins the case conceptualization process and develops the individual student plan. A case manager is appointed, and the parents are contacted.

Each team meeting should open with a brief check-in with each team member. The team leader can facilitate this process by asking something about each member. The meeting proceeds through the reports of the case managers about previously discussed cases and the newly referred cases. In order to guard against an imbalance of responsibility within the team, it helps to develop a case management process. In a case manager system, each member takes a turn having the responsibility of assuring that the individual student plan is implemented. The case manager reports the progress of the plan back to the team at determined intervals. The team determines whether to continue with the initial plan, develop additional assessment/intervention strategies, or to close the case. Within such a framework, team members share responsibilities before, during, and after a team meeting.

Each team meeting should close with a brief check-in with each member. This go-round encourages each member to express affirmation or concern about an individual student plan and allows sensitive issues to remain within the confines of the meeting room.

It is important for the team to orient any “guest” who may attend a meeting. These guests are most likely to be the referring teacher or parents but may include other school staff and community personnel (e.g., probation officers). This orientation should include an explanation of the team meeting process and roles and an emphasis on the confidentiality of the deliberations.

DOCUMENTATION

The SAS professional is responsible for the maintenance of team records. See Chapter 10 to review legalities of record keeping. Schools are encouraged to have only objective comments and observable behaviors documented on the referral forms. The team should document only the intervention or assessment plans that are chosen by the team. It is not necessary to document group comments. A single copy of these forms, along with other significant records, should be kept in the Student Assistance Services file for each student. This documentation serves the dual purpose of substantiating the team process as well as meeting requirements for GEI and Section 504.

TEAM MEETING ROLES

For an effective team meeting, specific roles can be assigned to team members to expedite the review of materials, assist in the documentation of interventions and the individual student plan, provide measures for keeping team members focused on the discussion, and serve as a record of the meeting.

SAS Professional

- Schedules meeting and logistics
- Coordinates function of team
- Gathers initial data for meeting
- Completes student profile sheet

SAS Case Manager

- Gathers additional data after first meeting
- Talks with school staff
- Consults with community resources
- Contacts parents
- Reports findings and updates to the team

SAS Facilitator

- Listens, summarizes, maintains, open and balanced conversational flow
- Protects individuals from personal attacks
- Focuses discussion on topics
- Checks out participants' involvement
- Clarifies, encourages, and guides group process

SAS Recorder

- Records group discussion and decisions that are made
- Places information on a flip chart, erasable board, or overhead

SAS Timekeeper

- Keeps the group on time and informs members when a transition will occur
- Keeps members on task

SAS Participants

- Stay actively involved in discussion
- Monitor the recorder

TEAM MAINTENANCE

The team will be dealing with highly sensitive issues related to students, families, and communities. To help provide longevity and prevent “burnout” of team participants, it is important for team members to practice healthy communication and to support one another. Team maintenance techniques along with benevolent and realistic attitudes and goals are encouraged. Team maintenance can be as simple as “checking-in” with each member at the beginning and end of team meetings to more formal retreats and planned team outings. Celebration of successes when they occur, and especially at the end of the school year, can bring a sense of accomplishment to a difficult job.

Each individual team member should be challenged to examine his/her personal boundaries and reasons for choosing to participate on the SAS team. It is important to recognize that over-commitment to the team and unrealistically high expectations for success with all cases can lead to burnout. The following behaviors may reflect burnout: not coming to meetings prepared; coming late and/or leaving early; being preoccupied during the meetings; acting defensively; limited problem solving (feeling stuck); and feelings of hopelessness or blaming. When members begin to develop a pattern of such behaviors, the team must address the underlying issues and resolve any conflicts that are interfering with team cohesion and effectiveness.

“Each individual team member should be challenged to examine his/her personal boundaries and reasons for choosing to participate on the SAS Team.”

The current atmosphere within schools places an enormous pressure upon teams to be accountable to the school staff, students, and families. SAS team members are seen as leaders in setting the tone in the way problems are addressed within the school. Working together is essential to the SAS process, and the team must be a model for the school to emulate.

CHAPTER 6

ASSESSMENT

Assessment, as used in the context of this program guide, is an activity directed toward understanding a concern that a teacher, other school staff member, peer, or parent may have about a student. More specifically, it includes the process of collecting information for use in the evaluation of a student's academic, personal, and social development. Once this information is gathered, it is then used toward developing a student intervention plan designed to assist the student.

Assessment can be pictured along a continuum of activities. It begins at one end of the continuum with very informal observation by individuals who have daily contact with a student. At the other end of the continuum is the use of specific tests by a trained professional in a particular field. Assessment information can be obtained through a variety of techniques, including general observations, standardized tests, interviews, questionnaires, checklists, projective tests, behavioral observations, self reports, reports by significant others, and clinical procedures. At some point in the assessment process, some or all of the above may be needed to better understand a child. It is not the design of this chapter to address these more specific assessment procedures but to give a general overview of the assessment process as it relates to the educational setting and the Student Assistant Services concept.

Essential to the process of assessment is the idea of change. The data that has been collected through the assessment process provides the information to develop interventions and adaptations to assist the student. If those interventions are on target and are applied appropriately and consistently, positive change is anticipated. As the interventions are attempted, the assessment process continues to be used to measure and monitor any noticeable change. It is important to note that the assessment process includes both the gathering of information to make interventions and the gathering of information to determine the success of those interventions.

In general, assessment should address the following questions when there is a concern about a student:

1. What is the specific problem, concern, or issue?
2. Who does it affect other than the student?
3. When and where does it occur?
4. How frequently and consistently does it occur?
5. To what degree does it influence a student's progress?
6. What areas of a student's life are impacted by the concern?
7. Is the concern consistent or inconsistent with normal developmental stages expectations?
8. What is the primary reason(s) it is believed to exist?
9. What other factors could be an influence?
10. What are the supports or strengths that are present?

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11. If multiple concerns exist:
 - a. What is the priority of those concerns? (i.e., what are the top one to three concerns that need to be addressed first?)
 - b. Are interventions compatible if multiple concerns are addressed at the same time?
12. Are the resources available to address the identified concern?
What resources are needed?
13. How will we know if significant change has occurred?

THE ASSESSMENT CONTINUUM: PRE-REFERRAL

Assessment at this point consists mainly of informal observations of the student and the use of data that are already collected. This data include classroom test scores, homework, standardized group test scores, grades, attendance, known health problems, and other similar information. Most of the information at this level is provided by a student's teachers or parents.

The concern at this point is most often identified in broad terms of being either behavioral, academic, or both. Usually, the student is functioning differently than he/she has been in the past, or the student is functioning at a different level than is expected for his/her age and grade level. The teacher will try different strategies in the classroom, or the parents will try different strategies at home to see if any difference can be made. Home and school may or may not be working together at this point. If the teacher(s) or parents believe that their interventions are not working, a consultation or referral is made to the SAS professional.

THE ASSESSMENT CONTINUUM: STUDENT ASSISTANCE SERVICES ASSESSMENT

The SAS professional will work with the referral source to complete the referral form. When the referring source is a teacher, the expectation is that the teacher has already done a records review and has made parent contact. Moreover, the teacher will be the direct source for such critical information as daily classroom performance and behavior. When the referring source is the parent or a school staff member other than the student's teacher, the SAS professional will have to assume more responsibility to ensure that the referral form is completed.

The SAS professional or team then reviews the information on the referral form. Additional information may be sought from the teacher or other referral source. Additional information also may be sought from other teachers and from the parents, if the parents have not yet been contacted. More formal classroom observations may be done using a standardized instrument, and various screening instruments may be used. The use of

standardized assessment instruments is most likely to be done after the case has been presented to the team, and the team decides that its understanding of the student is incomplete or inconsistent. Before standardized assessments and screening instruments are used, parents should be notified.

The Office of Student Services has an excellent resource packet on Screening and Assessment: Indicators and Tools that was compiled by one of the National Centers for Mental Health in the Schools. A complimentary copy of the resource packet is available upon request from the Office of Student Services.

If a student intervention plan is developed by the SAS professional or team, the intervention plan itself then becomes part of the assessment process. After a set time, the teacher is invited to report on the outcomes of the intervention plan. Together the teacher and team and perhaps the parents assess any change that resulted from the use of the attempted strategies. As a result of this review of the intervention plan, additional modifications may be made. The student intervention plan thus becomes an ongoing tool in the assessment process. This process may continue until the desired outcome is achieved.

THE ASSESSMENT CONTINUUM: EXPERT EVALUATIONS

The decision may be made, by the SAS professional or team or the parent or referring source, that a more extensive and expert evaluation or assessment is needed. The referral may be internal to the school, for example to a school psychologist, or external to a professional licensed by the Health Professions Bureau, such as a physician or clinical psychologist. Expert evaluations most often occur as a natural outcome of going through the first two points on the assessment continuum. However, a referral for an expert or extensive evaluation can occur at any time. Parents often initiate an expert evaluation independently of the school. Independent evaluations should not be viewed as a lack of confidence in the school but rather as an opportunity for collaboration. All available information should be used in developing the student's intervention plan.

CHAPTER 7

INTERVENTION

Interventions are the heart of Student Assistance Services and may be as simple as changing a seat assignment or as intensive as on-going individual counseling. When supported by well designed and implemented interventions, students are more likely to reach their full potential.

Interventions begin with a referral and assessment and can be grouped into three categories according to the severity of the situation and the qualifications of the provider. Category One interventions may be implemented without special SAS training and include interventions such as homework monitoring and school contracts. Category Two and Three interventions are designed for more complex situations and are implemented by people with appropriate levels of SAS training as defined below. In every case, interventions are designed in a manner that is most appropriate for each student and situation.

Parents should always be notified before any Category Two or Three intervention is initiated, except when contacting a parent is inconsistent with other school policies (i.e., child abuse referrals). Parent permission should be given for Category Three interventions. Families should be involved at the earliest time and to the fullest extent possible and collaborative efforts should be emphasized.

The interventions listed below are meant to be samples of the type of interventions which may be found in each category. This list is not exhaustive; additional interventions may be designed in each category. Moreover, the categories are not exclusive; students may be involved in more than one category at the same time.

CATEGORY ONE INTERVENTIONS

Designed by: Any school or community member (teacher, counselor, coach, sponsor, parent)

Implemented by: Any school staff member, community member, or SAS professional

Examples:

Classroom Strategies: Classroom strategies are interventions that may be initiated by teachers, coaches, and sponsors. Examples include tutoring, special seat assignments, calling on the student more in class, varying teaching methodologies, and daily homework checks.

Parent Strategies: Parents may choose to implement strategies at home to help their child be successful at school. Interventions may include more frequent communication with the teacher(s), monitoring of homework, creating a study area, and developing a system of rewards and/or consequences for targeted behaviors.

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School Contracts: School contracts are agreements between a student and a school professional reached through consensus. The contract includes 1) the expected behavior of the student, 2) the expected behavior of the school (reward/consequence), and 3) a target date. Contracts may be made to help students with several educational goals such as fewer tardies, completion of homework, improved citizenship, etc.

Support for Normal Developmental Challenges: Most students need assistance in successfully adjusting to normal developmental challenges. School personnel may provide support and caring in those situations. Normal developmental challenges are temporary in nature and may include failing a test, being picked last, teasing by peers, being the victim of a bully, accepting responsibility, completing homework, and post-secondary planning.

Educational Tutoring: Educational tutoring may be implemented by many school and/or community personnel. Educational tutoring may be delivered in many ways, such as a homework class, homework club, peer tutoring, or traditional one-to-one tutoring.

CATEGORY TWO INTERVENTIONS

Designed by: SAS professional/team

Implemented by: Trained school and community personnel (mentors, peer helpers, peer-mediators), SAS professional

Examples:

Mentoring: Mentoring programs may include student-friend programs, study buddies, business-mentor programs, community-mentor programs, and others. In these programs, the mentors meet with students on a regular basis to provide support and encouragement. Mentors are trained in listening skills, conflict resolution, decision making, goal setting, confidentiality limits, and referral procedures.

Peer Programs: Peer programs are programs in which students are trained to provide services for their classmates. Examples of peer programs include peer helpers in which students serve as “buddies” to other students, peer mediation in which trained student-mediators help students resolve interpersonal conflicts, and peer tutoring in which students provide tutoring for their classmates. Students who provide peer program services are trained in listening skills, conflict resolution, decision making, goal setting, confidentiality limits, and referral procedures.

Educational Groups: School educational groups are short-term and topic-focused. They are convened to provide education and support in a certain area. Educational groups may center around topics such as making friends,

time management, goal setting, and transition to college etc. Educational group facilitators are trained in listening skills, conflict resolution, decision making, goal setting, confidentiality limits, and referral procedures.

CATEGORY THREE INTERVENTIONS

Designed by: SAS professional/team
 Implemented by: SAS professional certified by the Indiana Professional Standards Board (School Counselors, School Psychologists, School Social Workers at the masters level)

Examples:

Individual Counseling: Individual counseling involves a certified SAS professional providing individual counseling to a student on a regular basis for the purpose of helping the student explore and develop new behaviors and attitudes. School counseling interventions are often restricted by time constraints unique to the school setting. These limitations result from high student/counselor ratios, administrative and clerical tasks, and the availability of students. Therefore, counseling should be short-term using brief counseling techniques.

Brief counseling does not imply that counselors provide scaled down versions of traditional long-term intervention models. Rather, brief counseling is a *developed, complete, optimal, and effective treatment of a short duration*. The focus of brief counseling is problem solving. With this approach, the student's problems are taken at face value. Brief counseling interventions attempt to understand the cycle that supports the problem and then interrupt old responses and provide new ways of responding. Brief counseling allows SAS professionals to help students within the time constraints of the school setting. Individual counseling should be provided by a credentialed SAS professional who has graduate course work in counseling theory and technique and a supervised practicum experience in individual counseling.

Group Counseling: Group counseling involves a certified SAS professional providing a counseling experience for a small group of students. The counseling group provides a safe environment in which students may explore new behaviors and attitudes. Group counseling facilitators should be certified SAS professionals who have graduate course work in group counseling theory and technique and supervised practica experiences in group counseling.

Referrals: Additional assessments may be requested by the SAS professional or team. Assessments may include determination for special education eligibility or a Section 504 determination, a health assessment, a drug/alcohol assessment, and other expert assessments available through the school or from external sources. Referrals may also be made to community providers for intervention services where such services are not available from the school or where more intensive and extensive services are needed.

OVERVIEW

As traumatic losses and events become more frequent occurrences in our society, the need for schools to have a crisis plan and procedures to follow has increased. A crisis plan enhances both the school district's and the community's ability to respond immediately and effectively to any type of crisis situation.

School counselors, social workers, psychologists, nurses, and other Student Services professionals are the individuals in a school setting who are most frequently called upon to assist students, staff, and the community when crisis situations occur. Prevention, assessment, intervention, and referral are as key to a crisis plan as they are to the total Student Assistance area. As such, a school's crisis plan is viewed as an essential part of Student Assistance.

The purpose of this chapter is to give an overview of a crisis plan and the role of a crisis intervention response team. The specifics of each school corporation's crisis plan and the composition of the crisis team will vary depending on the size, location, demographics, and the internal and external resources that are available.

A crisis situation has the potential of overwhelming the resources of an individual school, school corporation, or community. The occurrence of a crisis therefore demands a coordinated response which collectively utilizes the helping services of both school and community resources. To respond to these situations, it is recommended that every school district have the following in place:

1. A crisis management plan;
2. A plan for mental health intervention; and
3. A process for the integration of the crisis management plan and mental health intervention.

Schools are particularly encouraged to give careful consideration to the mental health component of a crisis plan. This is an area that is frequently not given enough attention when plans are developed.

CRISIS DEFINED

An event does not have to be overwhelming or involve a death before there is a need to respond in an organized and comprehensive manner. By definition, a crisis can be any event or situation, within or outside of the school community, that occupies the attention and energy of an individual or individuals within the system. While crisis events are generally viewed as

CHAPTER 8

SCHOOL CRISIS INTERVENTION PLANS

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those situations which could impact an entire school, a crisis situation can occur that affects only one classroom, one group of students, or even one student or one staff member. Any one of these situations has the potential to disrupt the educational process either through its pervasiveness, through the impairment of students, or through the impairment of key personnel.

The occurrence of an unexpected or traumatic event, the reactions of those who are affected by the event, and the response to the crisis that can either diffuse the situation or increase its impact are all part of a crisis situation. When any type of crisis situation occurs, an extensive variety of stress reactions from both students, adults, and the community can be anticipated. The stress reactions that emerge are normal reactions of normal individuals to an abnormal situation.

Almost any behavioral, emotional, or physical symptom can be produced or enhanced by an individual's stress reaction to a critical event. Failure to respond appropriately may delay and impair positive resolution of the situation and produce unwanted consequences for both the individual and the school community.

THE CRISIS INTERVENTION PLAN

A crisis intervention plan should be comprehensive in that it includes pre-crisis and prevention activities; an organized and systematic response during and immediately after a crisis situation; and, post crisis follow-up activities. In developing the plan, the needs of the total system/district, each school within the district, staff members and students, and the total community should be considered.

The crisis plan is designed to give school administrators, Student Assistance professionals, staff members, and the school community a ready reference to recommended procedures relating to crisis and trauma situations. A well written plan will help the school community avoid confusion, maintain order, and return to normal as soon as possible. It will also directly assist individuals by reducing psychological suffering, reconnecting individuals with positive coping skills, and monitoring follow-up. Overall, a written plan assists the school district to fulfill ethical and legal obligations and restore and maintain a supportive, positive learning environment.

In the development of a comprehensive plan, it is recommended that each school system have in place:

1. A broad based policy statement approved by the school board to guide crisis response in the school district;

2. A comprehensive and detailed procedure manual that specifies authority and responsibilities of staff members at both the corporation level and school level and provides other crisis information;
3. Evacuation plans for two locations for each school;
4. A well developed and trained crisis response team; and
5. Federal school safety procedures.

MAJOR AREAS TO BE ADDRESSED IN A CRISIS PLAN

The crisis plan should be a comprehensive, living document. Once written, it needs to be continuously reviewed and changes made whenever needed. As the plan is developed, utilized, and reviewed, the following areas need to be addressed:

1. A defined procedure to follow that outlines a chain of authority and a chain for communication;
2. A defined working agreement between the school system and the following resources: law enforcement; fire departments; hospitals, emergency rooms, and community mental health agencies; private practitioners; churches; media; and, other key community resources;
3. The availability of factual information about crisis situations and common behavioral, emotional, and physical reactions;
4. The formation and training of a crisis response team and a plan for team maintenance;
5. The designation of a school crisis coordinator and a crisis response team coordinator to coordinate the actions of the crisis response team;
6. Guidelines for accessing the crisis team;
7. A plan for inservice training for all administrators, Student Assistance professionals, and all other staff regarding the crisis plan and for making available written information about the plan and procedures;
8. A general checklist of steps that need to be taken in a school and/or school corporation when a crisis occurs...a checklist for day one, days two through five, and a one to six week follow-up is recommended;
9. Guidelines for working with the media;
10. Guidelines for identifying and working with at-risk students and staff;
11. Referral procedures and resources for students, staff, and parents;
12. A plan for debriefing administrators, crisis team members, and involved staff members and adults after the crisis intervention has occurred;
13. A procedure for evaluating the effectiveness of the plan after each crisis situation and at the end of the school year;
14. A plan for prevention activities; and

15. A process for evaluating all suicide ideation and verbal threats of violence and then responding to assure the safety of a student(s) and seeking appropriate mental health intervention.

The development of materials and handouts to use with students, staff, and parents prior to the occurrence of a crisis situation is extremely beneficial. An outline of a letter to send home to parents regarding a crisis situation and the school's response and for a message to be used in answering the school's telephone after a crisis situation are two key pieces to have prepared. Warning signs of suicide ideation, factors that put a student at risk after a suicide attempt by a peer, and "no harm to self" contracts are also useful to have readily available.

THE CRISIS RESPONSE TEAM

The role of the crisis response team is to assist schools and/or individuals that have experienced a crisis/trauma situation. The overall crisis intervention plan should have an identified procedure for a school to request the assistance of the crisis response team members if the school anticipates that the reaction to the crisis situation will overwhelm the services already available in the school. It is important to keep in mind that the crisis response team's purpose is not to provide therapy but to assist by:

1. Helping to determine where students, staff, adults, the school, and the community are in their reaction to the situation;
2. Helping to determine which students, staff, and adults need further intervention;
3. Providing consultation to staff;
4. Providing consultation to parents;
5. Conducting meetings for parents and the community;
6. Assisting with referral to other community resources;
7. Assisting in planning follow-up activities;
8. Becoming involved in prevention activities; and
9. Being a general resource to the school and community.

In the school setting, it is often assumed that school psychologists, social workers, counselors, and nurses, along with mental health practitioners in the community, can just assume the team role. The willingness to serve on a crisis response team, a common skill level for team members, and effective team building are all key factors to address in identifying and developing a response team.

The National Organization of Victim Assistance model or the International Critical Incident Stress Foundation model (Mitchell model) are recommended for team training. Once formed and trained, the team should meet on a

regular basis throughout the year regardless of whether they have had to respond to a crisis situation or not. This time can be utilized for skill and knowledge revitalization, continued team building and maintenance, and informing team members of any changes in procedures.

REFERENCES:

National Organization for Victim Assistance

1757 Park Road, N.W.

Washington, D.C. 20010

Phone: 202-232-6682

e-mail: nova@try-nova.org

International Critical Incident Stress Foundation, Inc.

4785 Dorsey Hall Drive

Suite 102

Ellicott City, MD 21042

Phone: 410-730-4311

LEGAL AUTHORITY OVERVIEW

The legal basis for Student Assistance Services derives from several sources. Authority is best understood as a hierarchy. On top is the United States Constitution and the laws of the United States. The federal executive branches write regulations, some of which are based on laws, for example, the Individuals with Disabilities Education Act (IDEA) with its related U.S. Department of Education regulations, and some are based on executive branch authority. Next comes the Indiana Constitution and state laws and the state administrative rules. Like their federal counterpart, state administrative rules are based on state laws or are created under general authority given to state agencies or appointed boards. Finally, there are local school board policies and administrative guidelines. It is a hierarchy in that the authority at a lower level cannot supersede the authority at a higher level. In general where the authority at a higher level is silent on an issue, then the next lower level can assume authority.

The judicial branch, both state and federal, produces case law that constitutes a third source of authority that must be followed. However, this program guide is not going to cover case law related to SAS. For the most part, case law will not govern the day-to-day practice of SAS. There are certain program elements that should take case law into account, for example, student drug screening. However, case law is ever changing and beyond the scope of this program guide. The most important thing to remember is that all policies and procedures for any aspect of Student Services should be reviewed by local school attorneys to ensure compliance with all legislative, administrative, and judicial requirements.

FEDERAL AUTHORITY FOR STUDENT ASSISTANCE PROGRAMS

The federal role in Student Assistance Services is significant. There are four main federal laws and related regulations that impact SAS--the Safe and Drug-Free Schools and Communities Act (SDFSCA) that has no regulations; IDEA and its regulations; Section 504 of the Rehabilitation Act of 1973 and its regulations; and the Family Educational Rights and Privacy Act (FERPA) and its regulations. Because FERPA deals with student records, it will be covered in the section on student records.

Safe and Drug-Free Schools and Communities (SDFSC) is found as Title IV of the Improving American Schools Act of 1994. Schools that receive SDFSC money must adhere to the requirements of this law. The language in SDFSC differs from the other three federal programs in that it is permissive rather than directive with respect to SAS. That is, the law states that local schools are authorized to use funds for SAS but are not required to provide SAS. SDFSC is mentioned because it funds many of Indiana's SAS providers, and

CHAPTER 9

LEGAL ISSUES

"The most important thing to remember is that all policies and procedures for any aspect of Student Services should be reviewed by local school attorneys to ensure compliance with all legislative, administrative and judicial requirements."

its inclusion as one of the authorized programs is intended to encourage local schools to use funds for such purposes. Most of the pertinent language is found in Part (b) *Authorized Activities* that states that a comprehensive program may include... “prevention...early intervention...family counseling...and referral.” While family counseling and early intervention are mentioned as authorized activities, the law prohibits the use of these funds for “medical services, drug treatment, or rehabilitation” (Section 4133).

IDEA and Section 504 of the Rehabilitation Act of 1973 are relevant to Student Assistance Services to the extent that the SAS team is used as a provider of services under these two federal acts. IDEA is the federal law that governs special education. Indiana’s special education rule which is based on federal law and its regulations is generally referred to as Article 7. In 1992 when general education intervention (GEI) procedures were first introduced in Article 7, the GEI procedures were much more prescriptive. The recently revised Article 7 (2000) simply states that: “Each public agency shall establish, maintain, and implement a general education intervention procedure, implemented at the building level, for students whose classroom performance is adversely affecting educational outcomes. General education intervention shall not be a prerequisite to an educational evaluation.” (511-IAC 7-25-3-b). The purpose of GEI is to try to address student behavior that is adversely affecting learning prior to making a formal referral to special education.

Section 504 prohibits any program receiving federal funds from discriminating on the basis of disability. What this means is that school corporations must make any reasonable accommodations to ensure that disabled students benefit from schooling. School corporations are required to appoint a Section 504 compliance officer to ensure the law is being administered properly.

Section 504 procedures are similar to those of special education. Both require that there be an assessment of the problem, a written intervention plan, and monitoring of that plan. This process is the core of the SAS team approach. There will be a savings of time and resources for the school corporation if SAS procedures closely follow those that have been established for GEI and Section 504.

STATE AUTHORITY FOR STUDENT ASSISTANCE SERVICES

The Indiana State Board of Education’s administrative rule on Student Services is found on page 83. This rule should be reviewed with particular attention to Section 5 on Student Assistance Services. Local school corporations are required to provide the services described in the rule. Schools will have to verify that these services are being provided at the time of accreditation.

LOCAL AUTHORITY FOR STUDENT ASSISTANCE SERVICES

Because the Indiana State Board of Education has mandated Student Assistance Services, local schools must provide such services. Like most administrative rules, the Student Services rule is written in general terms. How this rule gets implemented in each school corporation depends to some extent on local policies and procedures, which were discussed in more detail in Chapter 3. To reiterate, SAS professionals should work with administrators and local school boards in developing policies and procedures that will govern how SAS will operate in each school corporation.

CONFIDENTIALITY AND PRIVILEGED COMMUNICATIONS

Confidential communication and privileged communications are similar but not synonymous concepts. Confidential communication means that what is said between two people will remain secret and will not be shared with another without the consent of the person who made the communication. For SAS professionals confidentiality is an ethical imperative, and it is an expectation that “clients” have regarding their communication with a SAS professional. Privileged communication is a legal concept. The law recognizes the confidentiality of certain “protected relationships” (e.g., husband-wife, attorney-client, mental health provider-client) and protects from forced disclosure of communication made within the relationship. The privilege actually belongs to the clients who can invoke it or waive it at their discretion. School counselor and school social worker communication are privileged. School nurses and school psychologists do not have it. (It is interesting to note that while school nurses and school psychologists are not afforded privileged communication explicitly by Indiana law, in the two statutes where privileged communication is revoked, school psychologists and nurses are listed as among the professionals who lose their privileged communication.) It should be further noted that the state nursing regulations require registered nurses to...“maintain each patient/client right to privacy by protecting confidential information....” (848 IAC 2-2-2(6)). Also, school psychologists who are endorsed for private practice have explicitly been given privileged communication status, albeit only in their private practice (IC 20-1-1.9). Confidentiality is the controlling concept and SAS professionals and team members are under an ethical imperative to act in a confidential manner.

“Confidentiality is the controlling concept and SAS professionals and team members are under an ethical imperative to act in a confidential manner.”

EXCEPTIONS TO THE RULE OF CONFIDENTIALITY

There are two notable situations where privileged communication/confidentiality does not hold. One concerns child abuse and neglect. Not only is privileged communication abrogated, SAS professionals have a duty to report any suspected case of child abuse or neglect. When making such a report, there is the additional ethical burden on the SAS professional to ensure

that making the report does not further harm the child. SAS professionals are encouraged to review Indiana law on reporting and investigating child abuse and neglect (IC 31-33-1-1) and children in need of services (IC 31-34-1-1). Those with access to the Internet can find Indiana's statutes at www.state.in.us/legislative/ic/code. The Office of Student Services has copies of a model school protocol on reporting allegations of child abuse. A complimentary copy will be sent upon request.

The second circumstance where confidentiality must be broken concerns potential harm to self or others. The statutes that address this issue are found in the section of Indiana codes on civil law and procedure and in the section on children in need of services (see pages 77 and 80).

RECORDS AND CONFIDENTIALITY

All educational records (including electronic ones) are covered under the federal statute known as FERPA, Family Educational Rights and Privacy Act (see page 53), and two Indiana state statutes. Most of the records generated in SAS would be considered educational records and be subject to the requirements of FERPA. Records that are "kept in the sole possession of the maker of the record and are not accessible or revealed to any other person" are not considered educational records. Thus, the private notes of a SAS professional would not be considered educational records unless such records are shared with the team. FERPA creates an ethical dilemma for the professional—sharing information with the team that might improve the efficacy of the intervention plan versus maintaining the confidentiality of the counseling relationship and the privacy of personal counseling records. It is standard practice for mental health professionals to keep session notes. Information necessary for the team to function effectively should be shared. It is a fine line for the SAS professional to walk. Clinical impressions and general observations can be shared without divulging the specific content of counseling sessions. The integrity of the team process and the privacy of personal counseling records can be maintained by the SAS professional.

There are two Indiana statutes that govern public records. The first is entitled, "Access to Public Records," and is found at IC 5-14-1. This rather long chapter has little relevance to SAS records. The most pertinent section is section 4 which addresses exceptions to the public's access to certain type of public, e.g., school, records, such as ... "Those required to be kept confidential by federal law." (IC 5-14-3-3 (a) (3)). This statute essentially directs SAS professionals and schools to follow the dictates of FERPA. This statute also is significant in that it does not address the content of school records. In other words, what kind of information that is kept in student records is largely left to the discretion of local boards of education.

The second statute is entitled, “Preservation of Public Records,” and deals with the retention schedule and destruction of public records. (See IC 5-15-6-1). The purpose of this chapter is to direct those public entities that generate public records to inform the public of what records are kept and for how long. The mechanism for doing this is the creation of a retention schedule. The retention schedule must be approved by a county commission of public records. As with the earlier chapter, the content of the records is left to the discretion of the creator of the records. Thus, what is included in a school’s education records, including SAS records, is a decision of the local board of education. This statute states, as does FERPA, that the public, i.e., the parents, must be informed what records are kept and for how long. These two statutes may also be found at: www.state.in.us/legislative/ic/code.

It is recommended that SAS records be kept separate from the school’s academic/permanent records. The school’s records policy must state what kind of records are kept and how they may be reviewed by parents, but all records need not be kept in a single location. The policy issue of whether to routinely send SAS records forward to the next school level/ building within a corporation or to a new school is a difficult one. There are strong arguments on both sides of the issue. The recommendation is to routinely send records forward within a school corporation, if the case is active. If the student is transferring to a new school corporation, it is recommended that SAS records not be forwarded unless the parents give specific directions/permission to do so.

PARENT RIGHTS AND RESPONSIBILITIES

There are no federal or state laws that require parent permission for Student Assistance Services to be provided to students. Section 504 requires parent notification, and it is likely that local GEI procedures also require parent notification. While there is no legal requirement of parent consent or notification for SAS, it is the recommended policy to involve parents at the earliest time and fullest extent possible. Except for suspected child abuse cases, parents should be contacted when problems are first noticed by school staff and their assistance should be elicited. While parents generally do not attend the first case staffing of a student, they are often invited to subsequent team meetings when their child’s case is being discussed. Effective interventions need the school and the parents to be working in a trusting and cooperative manner.

More mature, self-referred students sometimes ask that parents not be contacted when counseling concerns matters that the student knows will be upsetting to the parent. **It is important to help students understand that long-term solutions often depend on parent support.** Except when

determined by law, clinical judgement, including health-risk assessments, will guide decisions on when the sanctity of the counseling relationship is to be violated.

There are two statutes regarding parental consent in the health and human services area that the Student Assistance team should know. The first, IC 16-36-1-3, addresses consent of minors for health care. The second, IC 12-23-12-1, deals with minors who voluntarily seek treatment for drug abuse. See pages 78 and 80.

There was a state law passed in 1995, sometimes referred to as the Parent and Pupil Protection law, that requires parental permission before their child is required to involuntarily participate in a personal analysis, an evaluation, or a survey that is not related to academic instruction. Involuntarily is underlined because it is crucial to the work of SAS. The purpose of this state law is to prevent compelling a student to reveal personal information. In most cases, students will be willingly working with the SAS professional or team. In those cases where the student is not a willing participant, this statute may apply. Whether this statute applies depends on local school board policy. This statute is included on page 81 for your consideration.

On the responsibility side, parents have a duty to ensure that any children in need of services cooperate in securing such services. This responsibility is found in the child abuse statutes and requires a finding by Child Protective Services that the child is in need of services.

PAYMENT FOR SERVICES

One of the common misunderstandings is that schools are required to pay for any services that might be recommended by a SAS team or professional. This misunderstanding flows naturally from the federal disability laws and regulations that obligate the school to provide services or make accommodations in individual, corrective plans. It is assumed that because the federal programs require schools to assume the costs that SAS intervention plans also obligate schools to pay. While there are no state laws or rules regarding the school's responsibility to pay, there is always the potential of judicial intervention. Two guidelines will help Student Assistance Services avoid possible problems. First, school personnel should not tell parents that an independent or outside assessment is needed in order for the school to better perform its primary function of educating their children. If information is needed to improve academic achievement, then that information needs to be gathered by the SAS team or others in the school corporation. Second, when a school recommends that the family seeks assistance in the community,

the school should provide the family with a list of providers. Schools should not refer exclusively to a single provider or create unrealistic expectations that any provider can guarantee success.

CONCLUSION

This Chapter on Legal Issues should not be viewed as authoritative or as exhaustive. As was stated in the beginning of this chapter, all policies and procedures should be reviewed by the local school corporation attorney and approved by the local school board. SAS professionals and teams who then act within the adopted policy and procedures know that they are proceeding on protected ground.

CHAPTER 10

PROGRAM MANAGEMENT

Program management (see Section 7 of the Student Services administrative rule) refers to all three of the Student Services areas—Educational and Career Services, Health Services, and Student Assistance Services. Program management activities are necessary to ensure that Student Services are relevant, efficient, and accountable.

Relevancy is aided by two activities. One is needs assessment. The purpose of a needs assessment is to learn from constituents what services are considered important. Because the needs will vary with each constituency, i.e., students, teachers, parents, administrators, employers, it is important that each group be polled on their needs. Needs can be assessed by various methods. Questionnaires are frequently used because of the ease of administration. Check-off and Likert-type scales are easily completed and scored. If questionnaires are used, it is important to allow constituents to write in concerns. Otherwise, needs become defined and limited by those who create the questionnaire. While focus groups are more time consuming, they can yield a wealth of information that cannot be gathered by a questionnaire. Needs can also be determined to a great extent by reviewing various sources of student information, e.g., health screenings, attendance, dropout and discipline reports, indicators of drug use, and other student records and school reports. A second program activity to ensure relevancy is a local advisory board. Such boards, made up of constituents, can serve as an on-going focus group to provide insight on school and community needs.

Efficiency in program operations is best served through coordination activities to minimize service duplication and maximize use of resources. The administrative rule recommends that the corporation appoint an administrator or a Student Services professional to manage the Student Services program at the school or corporation level. Corporation-level coordination is especially important in large corporations that have several buildings at each grade level. Coordination can also occur without a designated leader when Student Services professionals periodically meet as a group to plan and to share information. The key to efficiency and coordination is to reach the right balance. Coordination means more meetings and less direct service to constituents. However, agenda-driven, purposeful meetings can help ensure an efficient Student Services program.

Accountability refers to program effectiveness. As a result of Student Service program activities, have positive changes been made? The key to accountability is setting specific goals and objectives and then measuring whether the goals and objectives have been met. One of the perennial criticisms of Student Assistance Services is the lack of data on program effectiveness. Where data exists, it is often just descriptive, for example, a report on the number of interventions or the number of students participating in a particular activity. Outcome data is more difficult to collect but in the

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long run will better serve the program and ultimately students. There are a several behavioral/problem checklists that lend themselves to pre-post assessments. Also, it is always good practice to track grades, test scores, attendance, and disciplinary reports of students involved with SAS.

Besides student outcome data, a "customer" satisfaction survey can also be a source of information for program improvement. Such surveys, which ask questions regarding personal experiences with services, can pinpoint problems, as well as document overall program satisfaction. One creative approach is to combine needs assessments and evaluations into one questionnaire. Constituents are asked to rate both whether they think a particular activity is needed or a priority and also to rate its effectiveness. It is important to not only do things well but to do well those things that constituents consider important.

Personnel and program evaluation in education have had an uneasy relationship over the years. Educators have generally opposed tying personnel evaluations with student outcomes. Consequently, most personnel evaluations deal with how well certain prescribed duties are being performed. Moreover, one of the historical problems that Student Services professionals have faced has been the use of teacher evaluation forms to evaluate their performance.

Evaluation policies and procedures were often negotiated between the administration and the teachers union to include who does evaluations and how often, and what specific criteria is used to evaluate certified teaching staff. Student Services professionals, especially school counselors, are commonly covered by the same evaluation practices because negotiating evaluation procedures for certified staff other than teachers is too time consuming.

To further complicate matters, SAS and Health Services have a "clinical" component that is outside of the knowledge domain of most educational administrators. Consequently, the very reason that SAS professionals and nurses are hired--their clinical skills--are the least likely to be covered in an evaluation. The national school nursing association has addressed this issue by developing two model evaluation instruments, one for clinical supervisors and one for administrators.

STUDENT ASSISTANCE POLICY

SAMPLE POLICY

It is the philosophy of the Board of Education of Community Schools to maintain a school environment that is conducive to learning and to support the concept that students can learn more effectively when educational and behavioral barriers which interfere with student learning are removed. This Board believes that our Student Assistance Services professional, using clinical judgement, is able to act upon or supervise decisions and appropriate interventions made by herself or the Student Assistance Services Team. This Board also understands that an individual acting alone, or in conjunction with a multidisciplinary team, can help to remove barriers to learning and provide strategies and support to teachers, parents, and students. This professional and/or team may marshal other school and community resources as necessary.

The Student Assistance Services team shall function as a means for assessment, intervention, referral, and support for students experiencing academic or behavioral problems. The team will establish a systematic process for handling all referrals in an equitable way. The board seeks to maintain a balance between maintaining a proper educational environment and a compassion for student needs. The team is not to treat students but is to identify and refer students who have problems to appropriate resources within the school setting or to community individuals or agencies.

The Student Assistance Services has been established to accomplish the following goals:

1. Identifying and referring students experiencing difficulty through a school-wide systematic referral process;
2. Improving the quality of intervention strategies by utilizing the skills, experiences, and perspectives of a multidisciplinary team;
3. Increasing the capacity of the entire school staff, parents, and students to handle student problems;
4. Sharing the burden of responsibility of decisions that greatly impact the lives of others; and
5. Creating a positive school climate in which all students are valued and all staff are supported.

This policy is written in concert with other school policies and will offer specific procedures for implementing all necessary components of Student Assistance Services.

STUDENT ASSISTANCE SERVICES PROCEDURES

SAMPLE PROCEDURES

- A. Whenever school staff, parents, students, self, or other concerned persons notice negative behaviors or changes in behaviors in a student, and general classroom strategies do not bring about intended behavioral or academic change, these people are asked to make a referral to the school Student Assistance Services (SAS) professional.
 1. Referral forms will be kept in the (SAS professional's name) office and in the main office.
 2. Referral forms are to be returned in a sealed envelope to the SAS office.
 3. Respect for confidentiality will be maintained at all times.
- B. A SAS form should be completed whenever a referral is made for a non-disciplinary problem. When (SAS professional's name) receives the referral, one or more of the following courses of action may be followed:
 1. Determining whether immediate action or referral to the team is needed;
 2. Notifying parents of the referral, unless the referral is for child abuse;
 3. Soliciting input from other school personnel with whom the student has contact via the SAS response form;
 4. Scheduling team meeting to discuss the collected data; and/or
 5. Referring to other appropriate school personnel (i.e., nurse).
- C. The SAS team options may include, but are not limited to:
 1. Seeking additional information;
 2. Arranging for a student and/or parent conference;
 3. Developing a student intervention plan;
 4. Referring to appropriate school personnel or school support programs; and/or
 5. Referring to community agency or individual for evaluation and/or assistance.
- D. A referral to community agencies may include, but is not limited to:
 1. Informing parents of available community resources;
 2. Collaborating with agencies or individuals doing evaluation and/or treatment;
 3. Monitoring of student progress;
 4. Obtaining consent for "Release of Information" for sharing information; and/or
 5. Continuing communication and collaboration with family.

- E. The SAS team will meet to determine an intervention plan for each individual student referred to the team. Procedures for this meeting should include the following steps:
 - 1. Each team member should read all documentation thoroughly and be prepared to discuss the referred student during the meeting.
 - 2. The referring teacher is invited to attend this initial meeting and may be included in subsequent meetings.
 - 3. Parents are not usually included in the initial planning session but may be included as an intervention strategy in subsequent meetings.
 - 4. The team should document only the interventions that are chosen by the Student Assistance Team.
 - 5. A case manager is assigned to each student, and each team member should have a clear understanding of what is expected of him/her for subsequent meetings.
 - 6. The referring teacher is informed of the student intervention plan.
 - 7. Responding teachers are given brief information as allowed within the confines of confidentiality.
 - 8. The parents are notified through a written letter of the student intervention plan and involved at the earliest time and to the fullest extent possible.

- F. Records will be kept in compliance with all state and federal regulations.
 - 1. Records are kept in accordance with FERPA regulations and state records laws.
 - 2. SAS records are kept in a locked file in (SAS professional's name) office.
 - 3. SAS records shall include the student profile form, each individual staff response sheet, logs with strategies, goals and outcomes, and the student intervention plan.
 - 4. SAS records will follow the student from building site Student Assistance Services Professional to building site Student Assistance Services Professional within the same corporation.

Sample
Student Profile Form

Personal Information:

Student Name _____	Date of Birth _____
Address _____	
Street	City
Zip	
Mother's Name _____	Phone _____
Address _____	
Street	City
Zip	
Father's Name _____	Phone _____
Address _____	
Street	City
Zip	
Custody: <input type="checkbox"/> Both Parents <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Other	
Guardian's Name _____	Phone _____
Address _____	
Street	City
Zip	
Please list others in home and relationship to student:	
_____	_____
_____	_____
_____	_____
Date of Parent or Guardian Contact: _____ <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input type="checkbox"/> Conference	
Were parents/guardian aware of concern? <input type="checkbox"/> Yes <input type="checkbox"/> No	
General Response _____	

Recent significant life events: _____	

Educational Information:

Grade Level _____	Teacher _____
Special Program: Check all that apply	Date of entering into program _____
<input type="checkbox"/> Special Education	_____
<input type="checkbox"/> Title I	_____
<input type="checkbox"/> ESL	_____
<input type="checkbox"/> Other (designate) _____	_____

List grades repeated _____

Schools Attended	Dates
_____	_____
_____	_____
_____	_____
_____	_____

Days missed this school year _____

Days missed last school year _____

Describe attendance habits _____

Achievement Tests:

Test	Year	Results
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Health Information:

Known health problems _____

Medications _____

Recent Health Screens	Date	Result
Vision Screen	_____	_____
Hearing Screen	_____	_____
Postural Screen	_____	_____

Major illnessess or injuries within the past year _____

Sample
Referral Form – Part 1

Student Name _____ Grade _____ Date _____

Completed by _____ Relationship to Student _____

Please complete the information on both Part 1 and Part 2 (reverse side). All of this information is CONFIDENTIAL. This will become part of the student's SAS record.

The form should be returned in a sealed envelope to: _____

Please state your reason(s) for referral:

Describe any interventions you have tried with this student. Indicate any that have been successful:

Describe parent/guardian's response to student's problematic behavior:

Sample
Referral Form – Part 2

Please check any behaviors that you have observed in the referred student.

Academic	General Behavior	Appearance/Health
<input type="checkbox"/> Doing satisfactory work <input type="checkbox"/> Performs at grade level <input type="checkbox"/> Performs above (over-achiever) <input type="checkbox"/> Often frustrated or gives up <input type="checkbox"/> Does not bring materials to class <input type="checkbox"/> Lacks motivation/apathy <input type="checkbox"/> Withdraws from class activities <input type="checkbox"/> Fails to do work in class <input type="checkbox"/> Declining grades/work quality <input type="checkbox"/> Extreme dissatisfaction with school <input type="checkbox"/> Work not completed <input type="checkbox"/> Work not handed in <input type="checkbox"/> Tries hard/works persistently <input type="checkbox"/> Has been caught cheating <input type="checkbox"/> Frequently absent <input type="checkbox"/> Often tardy <input type="checkbox"/> Good consistent attendance <input type="checkbox"/> Other _____ _____ _____	<input type="checkbox"/> Generally cooperative <input type="checkbox"/> Easily distracted <input type="checkbox"/> Short attention span <input type="checkbox"/> Gets out of seat <input type="checkbox"/> Dramatic/attention seeking <input type="checkbox"/> Defies rules/authority <input type="checkbox"/> Inappropriate language/gestures <input type="checkbox"/> Sudden outbursts/temper flare ups <input type="checkbox"/> Argumentative <input type="checkbox"/> Defensive <input type="checkbox"/> Outgoing <input type="checkbox"/> Mood swings <input type="checkbox"/> Threatens others <input type="checkbox"/> Aggressive/fights <input type="checkbox"/> Withdraws/isolates self <input type="checkbox"/> Extreme negativism <input type="checkbox"/> Hostile themes in school/art work <input type="checkbox"/> Obsessive <input type="checkbox"/> Perfectionistic <input type="checkbox"/> Compulsive <input type="checkbox"/> Upset over changes to routine <input type="checkbox"/> Low self esteem <input type="checkbox"/> Frequent lying <input type="checkbox"/> Caught stealing <input type="checkbox"/> Set fires <input type="checkbox"/> Talks about drug/alcohol/tobacco <input type="checkbox"/> Talks about fighting/violence <input type="checkbox"/> Denies responsibility for actions <input type="checkbox"/> Destroys property <input type="checkbox"/> Verbally abusive to others <input type="checkbox"/> Other _____ _____ _____	<input type="checkbox"/> Neglects personal appearance <input type="checkbox"/> Poor hygiene <input type="checkbox"/> Glassy, bloodshot eyes <input type="checkbox"/> Lethargic/sleeps in class <input type="checkbox"/> Lack of coordination <input type="checkbox"/> Weight loss/gain <input type="checkbox"/> Seems depressed <input type="checkbox"/> Talks about death/suicide <input type="checkbox"/> Seldom expresses feelings <input type="checkbox"/> Preoccupation with size/weight <input type="checkbox"/> Seems pale or flushed <input type="checkbox"/> Physical injuries <input type="checkbox"/> Complaints of aches, pains <input type="checkbox"/> Chronic coughs or runny nose <input type="checkbox"/> Poor eating habits/skips meals <input type="checkbox"/> Seems disoriented <input type="checkbox"/> Taking medication <input type="checkbox"/> Signs of self mutilation <input type="checkbox"/> Wetting pants/urine odor <input type="checkbox"/> Vision problem <input type="checkbox"/> Hearing problem <input type="checkbox"/> Other _____ _____ _____
<div>Family/Home</div> <input type="checkbox"/> Mentions family problems <input type="checkbox"/> Recent loss in family (death, divorce, job change, move) <input type="checkbox"/> Sibling problems <input type="checkbox"/> Moving in with relatives <input type="checkbox"/> Financial concerns in family <input type="checkbox"/> Avoids specific relative <input type="checkbox"/> Changes in transportation <input type="checkbox"/> Lack of supervision <input type="checkbox"/> Other _____ _____ _____		<div>Social/Personal Behavior</div> <input type="checkbox"/> Appears well adjusted <input type="checkbox"/> Is liked by peers <input type="checkbox"/> Works well in teams/groups <input type="checkbox"/> Excluded by peers/few friends <input type="checkbox"/> Talks about sex inappropriately <input type="checkbox"/> Wears inappropriate clothing <input type="checkbox"/> Seeks constant adult contact <input type="checkbox"/> Other students concerned <input type="checkbox"/> Other _____ _____ _____

Sample
Response Form - Part 1

To be completed by SAS Professional

Student Name _____ Grade _____ Date _____

Completed by _____ Relationship to Student _____

Reason for Referral _____

This student has been referred to the Student Assistance Services (SAS) Team. Your input is needed to complete this preliminary profile. Please complete both sides of this form. All information gathered will remain confidential and will become part of the student's SAS record.

The forms should be returned in a sealed envelope to: _____

Do you agree with this referral? Yes _____ No _____

Reasons for answer:

Please describe any strategies you have found helpful with this student:

Additional comments:

Sample
Response Form – Part 2

Please check any behaviors that you have observed in the referred student.

Academic	General Behavior	Appearance/Health
<input type="checkbox"/> Doing satisfactory work <input type="checkbox"/> Performs at grade level <input type="checkbox"/> Performs above (over-achiever) <input type="checkbox"/> Often frustrated or gives up <input type="checkbox"/> Does not bring materials to class <input type="checkbox"/> Lacks motivation/apathy <input type="checkbox"/> Withdraws from class activities <input type="checkbox"/> Fails to do work in class <input type="checkbox"/> Declining grades/work quality <input type="checkbox"/> Extreme dissatisfaction with school <input type="checkbox"/> Work not completed <input type="checkbox"/> Work not handed in <input type="checkbox"/> Tries hard/works persistently <input type="checkbox"/> Has been caught cheating <input type="checkbox"/> Frequently absent <input type="checkbox"/> Often tardy <input type="checkbox"/> Good consistent attendance <input type="checkbox"/> Other _____ _____ _____	<input type="checkbox"/> Generally cooperative <input type="checkbox"/> Easily distracted <input type="checkbox"/> Short attention span <input type="checkbox"/> Gets out of seat <input type="checkbox"/> Dramatic/attention seeking <input type="checkbox"/> Defies rules/authority <input type="checkbox"/> Inappropriate language/gestures <input type="checkbox"/> Sudden outbursts/temper flare ups <input type="checkbox"/> Argumentative <input type="checkbox"/> Defensive <input type="checkbox"/> Outgoing <input type="checkbox"/> Mood swings <input type="checkbox"/> Threatens others <input type="checkbox"/> Aggressive/fights <input type="checkbox"/> Withdraws/isolates self <input type="checkbox"/> Extreme negativism <input type="checkbox"/> Hostile themes in school/art work <input type="checkbox"/> Obsessive <input type="checkbox"/> Perfectionistic <input type="checkbox"/> Compulsive <input type="checkbox"/> Upset over changes to routine <input type="checkbox"/> Low self esteem <input type="checkbox"/> Frequent lying <input type="checkbox"/> Caught stealing <input type="checkbox"/> Set fires <input type="checkbox"/> Talks about drug/alcohol/tobacco <input type="checkbox"/> Talks about fighting/violence <input type="checkbox"/> Denies responsibility for actions <input type="checkbox"/> Destroys property <input type="checkbox"/> Verbally abusive to others <input type="checkbox"/> Other _____ _____ _____	<input type="checkbox"/> Neglects personal appearance <input type="checkbox"/> Poor hygiene <input type="checkbox"/> Glassy, bloodshot eyes <input type="checkbox"/> Lethargic/sleeps in class <input type="checkbox"/> Lack of coordination <input type="checkbox"/> Weight loss/gain <input type="checkbox"/> Seems depressed <input type="checkbox"/> Talks about death/suicide <input type="checkbox"/> Seldom expresses feelings <input type="checkbox"/> Preoccupation with size/weight <input type="checkbox"/> Seems pale or flushed <input type="checkbox"/> Physical injuries <input type="checkbox"/> Complains of aches, pains <input type="checkbox"/> Chronic coughs or runny nose <input type="checkbox"/> Poor eating habits/skips meals <input type="checkbox"/> Seems disoriented <input type="checkbox"/> Taking medication <input type="checkbox"/> Signs of self mutilation <input type="checkbox"/> Wetting pants/urine odor <input type="checkbox"/> Vision problem <input type="checkbox"/> Hearing problem <input type="checkbox"/> Other _____ _____ _____
<div>Family/Home</div> <input type="checkbox"/> Mentions family problems <input type="checkbox"/> Recent loss in family (death, divorce, job change, move) <input type="checkbox"/> Sibling problems <input type="checkbox"/> Moving in with relatives <input type="checkbox"/> Financial concerns in family <input type="checkbox"/> Avoids specific relative <input type="checkbox"/> Changes in transportation <input type="checkbox"/> Lack of supervision <input type="checkbox"/> Other _____ _____ _____		<div>Social/Personal Behavior</div> <input type="checkbox"/> Appears well adjusted <input type="checkbox"/> Is liked by peers <input type="checkbox"/> Works well in teams/groups <input type="checkbox"/> Excluded by peers/few friends <input type="checkbox"/> Talks about sex inappropriately <input type="checkbox"/> Wears inappropriate clothing <input type="checkbox"/> Seeks constant adult contact <input type="checkbox"/> Other students concerned <input type="checkbox"/> Other _____ _____ _____

Sample
Student Intervention Plan (SIP)

Student Name _____ Date _____ Referred By _____ Relationship to Student _____
--

Reason for referral		
Desired behavior (in measurable terms)		
Intervention strategies	Person Responsible	Review Date
Review/Further Recommendations		
Date of Parent Notification		
Parent Comments		
Case Manager		

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT - FERPA

34 C.F.R. Part 99

As amended by 61 Fed. Reg. 59291 (Nov. 21, 1996)

Subpart A — General

- Reg. 99.1 To which educational agencies or institutions do these regulations apply?
- Reg. 99.2 What is the purpose of these regulations?
- Reg. 99.3 What definitions apply to these regulations?
- Reg. 99.4 What are the rights of parents?
- Reg. 99.5 What are the rights of students?
- Reg. 99.6 [Removed in 61 Fed. Reg. 59295 (Nov. 21, 1996).]
- Reg. 99.7 What must an educational agency or institution include in its annual notification?
- Reg. 99.8 What provisions apply to records of a law enforcement unit?

Subpart B — What are the Rights of Inspection and Review of Education Records?

- Reg. 99.10 What rights exist for a parent or eligible student to inspect and review education records?
- Reg. 99.11 May an educational agency or institution charge a fee for copies of education records?
- Reg. 99.12 What limitations exist on the right to inspect and review records?

Subpart C — What are the Procedures for Amending Education Records?

- Reg. 99.20 How can a parent or eligible student request amendment of the student's education records?
- Reg. 99.21 Under what conditions does a parent or eligible student have the right to a hearing?
- Reg. 99.22 What minimum requirements exist for the conduct of a hearing?

Subpart D — May an Educational Agency or Institution Disclose Personally Identifiable Information from Education Records?

- Reg. 99.30 Under what conditions is prior consent required to disclose information?
- Reg. 99.31 Under what conditions is prior consent not required to disclose information?
- Reg. 99.32 What recordkeeping requirements exist concerning requests and disclosures?
- Reg. 99.33 What limitations apply to the redisclosure of information?
- Reg. 99.34 What conditions apply to disclosure of information to other educational agencies or institutions?
- Reg. 99.35 What conditions apply to disclosure of information for Federal or State program purposes?
- Reg. 99.36 What conditions apply to disclosure of information in health and safety emergencies?
- Reg. 99.37 What conditions apply to disclosing directory information?
- Reg. 99.38 What conditions apply to disclosure of information as permitted by State statute adopted after November 19, 1974 concerning the juvenile justice system?

Subpart E — What are the Enforcement Procedures?

- Reg.99.60 What functions has the Secretary delegated to the Office and to the Office of Administrative Law Judges?
- Reg.99.61 What responsibility does an educational agency or institution have concerning conflict with State or local laws?
- Reg.99.62 What information must an educational agency or institution submit to the Office?
- Reg.99.63 Where are complaints filed?
- Reg.99.64 What is the complaint procedure?
- Reg.99.65 What is the content of the notice of complaint issued by the Office?
- Reg.99.66 What are the responsibilities of the Office in the enforcement process?
- Reg.99.67 How does the Secretary enforce decisions?

Model Notification of Rights Under FERPA for Elementary and Secondary Institutions

Model Notification of Rights Under FERPA for Postsecondary Institutions

Subpart A — General

Reg. 99.1 To which educational agencies or institutions do these regulations apply?

(a) Except as otherwise noted in <185>99.10, this part applies to an educational agency or institution to which funds have been made available under any program administered by the Secretary of Education if:

- (1) The educational institution provides educational services or instruction, or both, to student; or
- (2) The educational agency provides administrative control or direction of, or performs service functions for, public elementary or secondary schools or postsecondary institutions.

(Authority: 20 U.S.C. 1230, 1230g, 3487, 3507)

(b) This part does not apply to an educational agency or institution solely because students attending that agency or institution receive non – monetary benefits under a program referenced in paragraph (a) of this section, if no funds under that program are made available to the agency or institution.

(c) The Secretary considers funds to be made available to an educational agency or institution if funds under one or more of the programs referenced in paragraph (a) of this section (1) are provided to the agency or institution by grant, cooperative agreement, contract, subgrant , or subcontract; or (2) are provided to students attending the agency or institution and the funds may be paid to the agency or institution by those students for educational purposes, such as under the Pell Grant Program and the Guaranteed Student Loan Program (Titles IV-A-1 and IV-B, respectively, of the Higher Education Act of 1965, as amended).

(d) If an educational agency or institution receives funds under one or more of the programs covered by this section, the regulations in this part apply to the recipient as a whole, including each of its components (such as a department within a university).

(Authority: 20 U.S.C. 1232g) [Amended by 61 Fed. Reg. 59295 (Nov. 21, 1996).]

Reg.99.2 What is the purpose of these regulations?

The purpose of this part is to set out requirements for the protection of privacy of parents and students under section 444 of the General Education Provisions Act, as amended.

(Authority: 20 U.S.C. 1232g) (Note: 34 C.F.R. 300.560-300.576 contain requirements regarding confidentiality of information relating to handicapped children who receive benefits under [IDEA].) [Amended by 61 Fed. Reg. 59295 (Nov. 21, 1996).]

Reg.99.3 What definitions apply to these regulations?

The following definitions apply to this part:

“Act” means the Family Education Rights and Privacy Act of 1974, as amended, enacted as section 444 of the General Education Provisions Act.

(Authority: 20 U.S.C. 1232g)

“Attendance” includes, but is not limited to —

- (a) attendance in person or by correspondence; and
- (b) the period during which a person is working under a work – study program.

(Authority: 20 U.S.C. 1232g)

“Directory Information” means information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student’s name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

(Authority: 20 U.S.C. 1232g(a)(5)(A))

“Disciplinary action or proceeding” means the investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.

“Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means.

(Authority: 20 U.S.C. 1232g(b)(1))

“Educational agency or institution” means any public or private agency or institution to which this part applies under Reg.99.1(a).

(Authority: 20 U.S.C. 1232g(a)(3))

“Education records”

- (a) The term means those records that are:
 - (1) Directly related to a student; and
 - (2) Maintained by an educational agency or institution or by a party acting for the agency or institution.
- (b) The term does not include:
 - (1) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
 - (2) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of Reg. 99.8.

[As amended in 60 Fed. Reg. 3469 (Jan. 17, 1995)]

- (3)(i) Records relating to an individual who is employed by an educational agency or institution, that:
 - (A) Are made and maintained in the normal course of business;
 - (B) Relate exclusively to the individual in that individual’s capacity as an employee; and
 - (C) Are not available for use for any other purpose.
- (ii) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(3)(i) of this definition.
- (4) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are: (i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or assisting in a paraprofessional capacity;
 - (ii) Made, maintained, or used only in connection with treatment of the student; and
 - (iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and
- (5) Records that only contain information about an individual after he or she is no longer a student at that agency or institution.

(Authority: 20 U.S.C. 1232g(a)(4))

“Eligible student” means a student who has reached 18 years of age or is attending an institution of postsecondary education.

(Authority: 20 U.S.C. 1232g(d))

“Institution of postsecondary education” means an institution that provides education to students beyond the secondary school level; “secondary school level” means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.

(Authority: 20 U.S.C. 1232g(d))

“Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

(Authority: 20 U.S.C. 1232g)

“Party” means an individual, agency, institution, or organization.

(Authority: 20 U.S.C. 1232g(b)(4)(A))

“Personally identifiable information” includes, but is not limited to:

- (a) The student’s name;
- (b) The name of the student’s parent or other family member;
- (c) The address of the student or student’s family;
- (d) A personal identifier, such as the student’s social security number or student number;
- (e) A list of personal characteristics that would make the student’s identity easily traceable; or
- (f) Other information that would make the student’s identity easily traceable.

(Authority: 20 U.S.C. 1232g)

“Record” means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

(Authority: 20 U.S.C. 1232g)

“Secretary” means the Secretary of the U.S. Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.

(Authority: 20 U.S.C. 1232g)

“Student,” except as otherwise specifically provided in this part, means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.

(Authority: 20 U.S.C. 1232g(a)(6)) [Amended in 61 Fed. Reg. 59295 (Nov. 21, 1996).]

Reg. 99.4 What are the rights of parents?

An educational agency or institution shall give full rights under the Act to either parent, unless the agency or institution has been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.

(Authority: 20 U.S.C. 1232g)

Reg. 99.5 What are the rights of students?

(a) When a student becomes an eligible student, the rights accorded to, and consent required of, parents under this part transfer from the parents to the student.

(b) The Act and this part do not prevent educational agencies or institutions from giving students rights in addition to those given to parents.

(c) If an individual is or has been in attendance at one component of an educational agency or institution, that attendance does not give the individual rights as a student in other components of the agency or institution to which the individual has applied for admission, but has never been in attendance.

(Authority: 20 U.S.C. 1232g(d) [53 Fed. Reg. 11943, Apr. 11, 1988, as amended at 58 Fed. Reg. 3188, Jan. 7, 1993])

Reg. 99.6 [Removed in 61 Fed. Reg. 59295 (Nov. 21, 1996).]

Reg. 99.7 What must an educational agency or institution include in its annual notification?

(a)(1) Each educational agency or institution shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under the Act and this part.

(2) The notice must inform parents or eligible students that they have the right to —

(i) Inspect and review the student’s education records;

(ii) Seek amendment of the student’s education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student’s privacy rights;

(iii) Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that the Act and Reg. 99.31 authorize disclosure without consent; and

(iv) File with the Department a complaint under Regs. 99.63 and 99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of the Act and this part.

(3) The notice must include all of the following:

- (i) The procedure for exercising the right to inspect and review education records.
- (ii) The procedure for requesting amendment of records under Reg. 99.20;
- (iii) If the educational agency or institution has a policy of disclosing education records under Reg. 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

(b) An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

(1) An educational agency or institution shall effectively notify parents or eligible students who are disabled.

(2) An agency or institution of elementary or secondary education shall effectively notify parents who have a primary or home language other than English.

(Authority: 20 U.S.C. 1232g(e) and (f)). (Approved by the Office of Management and Budget under control number 1880-0508) (Authority: 20 U.S.C. 1232g(e) and (f))

[53 Fed. Reg. 11943, Apr. 11, 1988; 53 Fed. Reg. 19368, May 27, 1988; 61 Fed. Reg. 59295-6 (Nov. 21, 1996).]

Reg. 99.8 What provisions apply to records of a law enforcement unit?

(a)(1) Law enforcement unit means any individual, office, department, division, or other component of an educational agency or institution, such as a unit of commissioned police officers or non – commissioned security guards, that is officially authorized or designated by that agency or institution to —

- (i) Enforce any local, State, or Federal law, or refer to appropriate authorities a matter for enforcement of any local, State, or Federal law against any individual or organization other than the agency or institution itself; or
- (ii) Maintain the physical security and safety of the agency or institution.

(2) A component of an educational agency or institution does not lose its status as a law enforcement unit if it also performs other, non-law enforcement functions for the agency or institution, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceedings against the student.

(b)(1) Records of a law enforcement unit means those records, files, documents, and other materials that are:

- (i) Created by a law enforcement unit;
- (ii) Created for a law enforcement purpose; and
- (iii) Maintained by the law enforcement unit.

- (2) Records of a law enforcement unit does not mean —
- (i) Records created by a law enforcement unit for a law enforcement purpose that are maintained by component of the educational agency or institution other than the law enforcement unit; or
 - (ii) Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the educational agency or institution.
- (c)(1) Nothing in the Act prohibits an educational agency or institution from contacting its law enforcement unit, orally or in writing, for the purpose of asking that unit to investigate a possible violation of, or to enforce, any local, State, or Federal law.
- (2) Education records, and personally identifiable information contained in education records, do not lose their status as education records and remain subject to the Act, including the disclosure provisions of Sec. 99.30, while in the possession of the law enforcement unit.
- (d) The Act neither requires nor prohibits the disclosure by an educational agency or institution of its law enforcement unit records.

(Authority: 20 U.S.C. 1232g(a)(4)(B)(ii)) Amended in 60 Fed. Reg. 3463 (January 17, 1995).

Subpart B — What are the Rights of Inspection and Review of Education Records?

Reg. 99.10 What rights exist for a parent or eligible student to inspect and review education records?

- (a) Except as limited under Reg. 99.12, a parent or eligible student must be given the opportunity to inspect and review the student's education records. This provision applies to —
- (1) Any educational agency or institution; and
 - (2) Any State educational agency (SEA) and its components.
- (i) For the purposes of subpart B of this part, an SEA and its components constitute an educational agency or institution.
 - (ii) An SEA and its components are subject to Subpart B of this part if the SEA maintains education records on students who are or have been in attendance at any school of an educational agency or institution subject to the Act and this part.
- (b) The educational agency or institution, or SEA or its component, shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request.
- (c) The educational agency or institution, or SEA or its component, shall respond to reasonable requests for explanations and interpretations of the records.

(d) If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the educational agency or institution, or SEA or its component, shall —

- (1) Provide the parent or eligible student with a copy of the records requested; or
- (2) Make other arrangements for the parent or eligible student to inspect and review the requested records.

(e) The educational agency or institution, or SEA or its component, shall not destroy any education records if there is an outstanding request to inspect and review the records under this section.

(f) While an educational agency or institution is not required to give an eligible student access to treatment records under paragraph (b)(4) of the definition of "Education records" in Reg. 99.3, the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

(Authority: 20 U.S.C. 1232g(a)(1)(A) and (B)) [Amended in 61 Fed. Reg. 5929x- (Nov. 21, 1996).]

Reg. 99.11 May an educational agency or institution charge a fee for copies of education records?

(a) Unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's education records, an educational agency or institution may charge a fee for a copy of an education record which is made for the parent or eligible student.

(b) An educational agency or institution may not charge a fee to search for or to retrieve the education records of a student.

(Authority: 20 U.S.C. 1232g(a)(1))

Reg. 99.12 What limitations exist on the right to inspect and review records?

(a) If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.

(b) A postsecondary institution does not have to permit a student to inspect and review education records that are:

- (1) Financial records, including any information those records contain, of his or her parents;
- (2) Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and
- (3) Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if:

- (i) The student has waived his or her right to inspect and review these letters and statements; and
- (ii) Those letters and statements are related to the student's:

- (A) Admission to an educational institution;
- (B) Application for employment; or
- (C) Receipt of an honor or honorary recognition. (c)(1) A waiver under paragraph (b)(3)(i) of this section is valid only if:
 - (i) The educational agency or institution does not require the waiver as a condition for admission to or receipt of a service or benefit from the agency or institution; and
 - (ii) The waiver is made in writing and signed by the student, regardless of age.
- (2) If a student has waived his or her rights under paragraph (b)(3)(i) of this section, the educational institution shall:
 - (i) Give the student, on request, the names of the individuals who provided the letters and statements of recommendation; and
 - (ii) Use the letters and statements of recommendation only for the purpose for which they were intended.
- (3)(i) A waiver under paragraph (b)(3)(i) of this section may be revoked with respect to any actions occurring after the revocation.
- (ii) A revocation under paragraph (c)(3)(i) of this section must be in writing.

(Authority: 20 U.S.C. 1232g(a)(1)(A), (B), (C) and (D). [Amended by 61 Fed. Reg. 59296 (Nov. 21, 1996).]

Subpart C — What are the Procedures for Amending Education Records?

Reg. 99.20 How can a parent or eligible student request amendment of the student's education records?

- (a) If a parent or eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the educational agency or institution to amend the record.
- (b) The educational agency or institution shall decide whether to amend the record as requested within a reasonable time after the agency or institution receives the request.
- (c) If the educational agency or institution decides not to amend the record as requested, it shall inform the parent or eligible student of its decision and of his or her right to a hearing under Reg. 99.21.

(Authority: 20 U.S.C. 1232g(a)(2))

[53 Fed. Reg. 11943, Apr. 11, 1988; 53 Fed. Reg. 19368, May 27, 1988; 61 Fed. Reg. 59296 (Nov. 21, 1996).]

Reg. 99.21 Under what conditions does a parent or eligible student have the right to a hearing?

(a) An educational agency or institution shall give a parent or eligible student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.

(b)(1) If, as a result of the hearing, the educational agency or institution decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall:

- (i) Amend the record accordingly; and
- (ii) Inform the parent or eligible student of the amendment in writing.

(2) If, as a result of the hearing, the educational agency or institution decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the agency or institution, or both.

(c) If an educational agency or institution places a statement in the education records of a student under paragraph (b)(2) of this section, the agency or institution shall:

- (1) Maintain the statement with the contested part of the record for as long as the record is maintained; and
- (2) Disclose the statement whenever it discloses the portion of the record to which the statement relates.

(Authority: 20 U.S.C. 1232g(a)(2)) [Amended by 61 Fed. Reg. 59296 (Nov. 21, 1996).]

Reg. 99.22 What minimum requirements exist for the conduct of a hearing?

The hearing required by Reg. 99.21 must meet, at a minimum, the following requirements:

(a) The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.

(b) The educational agency or institution shall give the parent or eligible student notice of the date, time, and place reasonably in advance of the hearing.

(c) The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.

(d) The educational agency or institution shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised under Reg. 99.21. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

- (e) The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.
- (f) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

(Authority: 20 U.S.C. 1232h(a)(2))

Subpart D — May an Educational Agency or Institution Disclose Personally Identifiable Information from Education Records?

Reg. 99.30 Under what conditions is prior consent required to disclose information?

- (a) The parent or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records, except as provided in Reg. 99.31.
- (b) The written consent must:
 - (1) Specify the records that may be disclosed;
 - (2) State the purpose of the disclosure; and
 - (3) Identify the party or class of parties to whom the disclosure may be made.
- (c) When a disclosure is made under paragraph (a) of this section:
 - (1) If a parent or eligible student so requests, the educational agency or institution shall provide him or her with a copy of the records disclosed; and
 - (2) If the parent of a student who is not an eligible student so requests, the agency or institution shall provide the student with a copy of the records disclosed.

(Authority: 20 U.S.C. 1232g(b)(1) and (b)(2)(A)) [53 Fed. Reg. 11943, Apr. 11, 1988, as amended at 58 Fed. Reg. 3189, Jan. 7, 1993]

Reg. 99.31 Under what conditions is prior consent not required to disclose information?

- (a) An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by Reg. 99.30 if the disclosure meets one or more of the following conditions:
 - (1) The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.
 - (2) The disclosure is, subject to the requirements of Reg. 99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.
 - (3) The disclosure is, subject to the requirements of Reg. 99.35, to authorized representatives of:

- (i) The Comptroller General of the United States;
- (ii) The Secretary; or
- (iii) State and local educational authorities.

(4)(i) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

- (A) Determine eligibility for the aid;
- (B) Determine the amount of the aid;
- (C) Determine the conditions for the aid; or
- (D) Enforce the terms and conditions of the aid. (ii) As used in paragraph (a)(4)(i) of this section, “financial aid” means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual’s attendance at an educational agency or institution.

(Authority: 20 U.S.C. 1232g(b)(1)(D))

(5)(i) The disclosure is to State and local officials or authorities to whom this information is specifically:

- (A) Allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system’s ability to effectively serve the student whose records are released; or
- (B) Allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, subject to the requirements of Reg. 99.38.

(ii) Paragraph (a)(5)(i) of this section does not prevent a State from further limiting the number or type of State or local officials to whom disclosures may be made under that paragraph.

(6)(i) The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:

- (A) Develop, validate, or administer predictive tests;
- (B) Administer student aid programs; or
- (C) Improve instruction.

(ii) The agency or institution may disclose information under paragraph (a)(6)(i) of this section only if:

- (A) The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization; and
- (B) The information is destroyed when no longer needed for the purposes for which the study was conducted.

(iii) If this Office determines that a third party outside the educational agency or institution to whom information is disclosed under this paragraph (a)(6) violates paragraph (a)(6)(ii)(B) of this section, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

(iv) For the purposes of paragraph (a)(6) of this section, the term “organization” includes, but is not limited to, Federal, State and local agencies, and independent organizations.

(7) The disclosure is to accrediting organizations to carry out their accrediting functions.

(8) The disclosure is to parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.

(9)(i) The disclosure is to comply with a judicial order or lawfully issued subpoena.

(ii) The educational agency or institution may disclose information under paragraph (a)(9)(i) of this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with —

(A) A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

(B) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(iii) If the educational agency or institution initiates legal action against a parent or student and has complied with paragraph (a)(9)(ii) of this section, it may disclose education records that are relevant to the action to the court without a court order or subpoena.

(10) The disclosure is in connection with a health or safety emergency, under the conditions described in Reg. 99.36.

(11) The disclosure is information the educational agency or institution has designated as “directory information,” under the conditions described in Reg. 99.37.

(12) The disclosure is to the parent of a student who is not an eligible student or to the student.

(13) The disclosure is to an alleged victim of any crime of violence, as that term is defined in section 16 of title 18, U.S.C., of the results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime with respect to that crime.

(b) This section does not forbid or require an educational agency or institution to disclose, nor does it require an educational agency or institution to disclose, personally identifiable information from the education records of a student to any parties under paragraph (a)(1) through (11) and (13) of this section.

(Authority: 20 U.S.C. 1232g(a)(5)(A), (b)(1), (b)(2), (b)(4)(B), and (f))

[53 Fed. Reg. 11943, Apr. 11, 1988; 53 Fed. Reg. 19368, May 27, 1988, as amended at 58 Fed. Reg. 3189, Jan. 7, 1993, and 61 Fed. Reg. 59296 (Nov. 21, 1996).]

Reg. 99.32 What recordkeeping requirements exist concerning requests and disclosures?

(b) (1) An educational agency or institution shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student.

(2) The agency or institution shall maintain the record with the education records of the student as long as the records are maintained.

(3) For each request or disclosure the record must include:

(i) The parties who have requested or received personally identifiable information from the education records; and

(ii) The legitimate interests the parties had in requesting or obtaining the information.

(b) If an educational agency or institution discloses personally identifiable information from an education record with the understanding authorized under Reg. 99.33(b), the record of the disclosure required under this section must include:

(1) The names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution; and

(2) The legitimate interests under Reg. 99.31 which each of the additional parties has in requesting or obtaining the information.

(a) The following parties may inspect the record relating to each student:

(1) The parent or eligible student.

(2) The school official or his or her assistants who are responsible for the custody of the records.

(3) Those parties authorized in Reg. 99.31(a)(1) and (3) for the purposes of auditing the recordkeeping procedures of the educational agency or institution.

(b) Paragraph (a) of this section does not apply if the request was from, or the disclosure was to:

(1) The parent or eligible student;

(2) A school official under Reg. 99.31(a)(1);

(3) A party with written consent from the parent or eligible student;

(4) A party seeking directory information; or

(5) A party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(Authority: 20 U.S.C. 1232g(b)(1) and (b)(4)(A)) [Amended in 61 Fed. Reg. 69297 (Nov. 21, 1996).]

(Approved by the Office of Management and Budget under control number 1880-0508)

Reg. 99.33 What limitations apply to the redisclosure of information?

(a) (1) An educational agency or institution may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student.

- (2) The officers, employees, and agents of a party that receives information under paragraph (a)(1) of this section may use the information, but only for the purposes for which the disclosure was made.
- (b) Paragraph (a) of this section does not prevent an educational agency or institution from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the educational agency or institution if:
 - (1) The disclosures meet the requirements of Reg. 99.31; and
 - (2) The educational agency or institution has complied with the requirements of Reg. 99.32(b).
- (c) Paragraph (a) of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas under Reg. 99.31(a)(9), to disclosures of directory information under Reg. 99.31(a)(11) or to disclosures to a parent or student under Reg. 99.31(a)(12).
- (d) Except for disclosures under Reg. 99.31(a)(9), (11) and (12), an educational agency or institution shall inform a party to whom disclosure is made of the requirements of this section.
- (e) If this Office determines that a third party improperly rediscloses personally identifiable information from education records in violation of Reg. 99.33(a) of this section, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

[Amended in 61 Fed. Reg. 69297 (Nov. 21, 1996).] (Authority: 20 U.S.C. 1232g(b)(4)(B))

Reg. 99.34 What conditions apply to disclosure of information to other educational agencies or institutions?

- (a) An educational agency or institution that discloses an education record under Reg. 99.31(a)(2) shall:
 - (1) Make a reasonable attempt to notify the parent or eligible student at the last known address of the parent or eligible student, unless:
 - (i) The disclosure is initiated by the parent or eligible student; or
 - (ii) The annual notification of the agency or institution under Reg. 99.6 includes a notice that the agency or institution forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll;
 - (2) Give the parent or eligible student, upon request, a copy of the record that was disclosed; and
 - (3) Give the parent or eligible student, upon request, an opportunity for a hearing under Subpart C.
- (b) An educational agency or institution may disclose an education record of a student in attendance to another educational agency or institution if:
 - (1) The student is enrolled in or receives services from the other agency or institution; and
 - (2) The disclosure meets the requirements of paragraph (a) of this section.

(Authority: 20 U.S.C. 1232g(b)(1)(B)) [Amended in 61 Fed. Reg. 69297 (Nov. 21, 1996).]

Reg. 99.35 What conditions apply to disclosure of information for Federal or State program purposes?

- (a) The officials listed in Reg. 99.31(a)(3) may have access to education records in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements which relate to those programs.
- (b) Information that is collected under paragraph (a) of this section must:
 - (1) Be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in paragraph (a) of this section; and
 - (2) Be destroyed when no longer needed for the purposes listed in paragraph (a) of this section.
- (c) Paragraph (b) of this section does not apply if:
 - (1) The parent or eligible student has given written consent for the disclosure under Reg. 99.30; or
 - (2) The collection of personally identifiable information is specifically authorized by Federal law.

(Authority: 20 U.S.C. 1232g(b)(3))

Reg. 99.36 What conditions apply to disclosure of information in health and safety emergencies?

- (a) An educational agency or institution may disclose personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
- (b) Nothing in this Act or this part shall prevent an educational agency or institution from —
 - (1) Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;
 - (2) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or
 - (3) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.
- (c) Paragraphs (a) and (b) of this section shall be strictly construed.

(Authority: 20 U.S.C. 1232g(b)(1)(I) and (h)) [53 Fed. Reg. 11943, Apr. 11, 1988; 53 Fed. Reg. 19368, May 27, 1988; and 61 Fed. Reg. 59297 (Nov. 21, 1996).]

Reg. 99.37 What conditions apply to disclosing directory information?

(a) An educational agency or institution may disclose directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the agency or institution of:

- (1) The types of personally identifiable information that the agency or institution has designated as directory information;
- (2) A parent's or eligible student's right to refuse to let the agency or institution designate any or all of those types of information about the student as directory information; and
- (3) The period of time within which a parent or eligible student has to notify the agency or institution in writing that he or she does not want any or all of those types of information about the student designated as directory information.

(b) An educational agency or institution may disclose directory information about former students without meeting the conditions in paragraph (a) of this section.

(Authority: 20 U.S.C. 1232g(a)(5)(A) and (B))

Reg. 99.38 What conditions apply to disclosure of information as permitted by State statute adopted after November 19, 1974 concerning the juvenile justice system?

(a) If reporting or disclosure allowed by State statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, an educational agency or institution may disclose education records under Reg. 99.31(a)(5)(i)(B).

(b) The officials and authorities to whom the records are disclosed shall certify in writing to the educational agency or institution that the information will not be disclosed to any other party, except as provided under State law, without the prior written consent of the parent of the student.

(Authority: 20 U.S.C. 1232g(b)(1)(J)) [As added by 61 Fed. Reg. 59297 (Nov. 21, 1996).]

Subpart E — What are the Enforcement Procedures?

Reg. 99.60 What functions has the Secretary delegated to the Office and to the Office of Administrative Law Judges?

(a) For the purposes of this subpart, "Office" means the Family Policy Compliance Office, U.S. Department of Education.

(b) The Secretary designates the Office to:

- (1) Investigate, process, and review complaints and violations under the Act and this part; and
- (2) Provide technical assistance to ensure compliance with the Act and this part.

(c) The Secretary designates the Office of Administrative Law Judges to act as the Review Board required under the Act to enforce the Act with respect to all applicable programs. The term “applicable program” is defined in section 400 of the General Education Provisions Act.

(Authority: 20 U.S.C. 1232g(f) and (g), 1234) [53 Fed. Reg. 11943, Apr. 11, 1988, as amended at 58 Fed. Reg. 3189, Jan. 7, 1993]

Reg. 99.61 What responsibility does an educational agency or institution have concerning conflict with State or local laws?

If an educational agency or institution determines that it cannot comply with the Act or this part due to a conflict with State or local law, it shall notify the Office within 45 days, giving the text and citation of the conflicting law.

(Authority: 20 U.S.C. 1232g(f))

Reg. 99.62 What information must an educational agency or institution submit to the Office?

The Office may require an educational agency or institution to submit reports containing information necessary to resolve complaints under the Act and the regulations in this part.

(Authority: 20 U.S.C. 1232g(f) and (g))

Reg. 99.63 Where are complaints filed?

A parent or eligible student may file a written complaint with the Office regarding an alleged violation under the Act and this part. The Office’s address is: Family Policy Compliance Office, U.S. Department of Education, Washington, DC 20202-4605.

(Authority: 20 U.S.C. 1232g(g)) [58 Fed. Reg. 3189, Jan. 7, 1993; amended by 61 Fed. Reg. 59297 (Nov. 21, 1996).]

Reg. 99.64 What is the complaint procedure?

(a) A complaint filed under Reg. 99.63 must contain specific allegations of fact giving reasonable cause to believe that a violation of the Act or this part has occurred.

(b) The Office investigates each timely complaint to determine whether the educational agency or institution has failed to comply with the provisions of the Act or this part.

(c) A timely complaint is defined as an allegation of a violation of the Act that is submitted to the Office within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.

(d) The Office extends the time limit in this section if the complainant shows that he or she was prevented by circumstances beyond the complainant's control from submitting the matter within the time limit, or for other reasons considered sufficient by the Office.

(Authority: 20 U.S.C. 1232g(f)) [53 Fed. Reg. 11943, Apr. 11, 1988, as amended at 58 Fed. Reg. 3189, Jan. 7, 1993]

Reg. 99.65 What is the content of the notice of complaint issued by the Office?

(a) The Office notifies the complainant and the educational agency or institution in writing if it initiates an investigation of a complaint under section 99.64(b).

The notice to the educational agency or institution —

- (1) Includes the substance of the alleged violation; and
- (2) Asks the agency or institution to submit a written response to the complaint.

(b) The Office notifies the complainant if it does not initiate an investigation of a complaint because the complaint fails to meet the requirements of section 99.64.

(Authority: 20 U.S.C. 1232g(g)) [58 Fed. Reg. 3189, Jan. 7, 1993]

Reg. 99.66 What are the responsibilities of the Office in the enforcement process?

(a) The Office reviews the complaint and response and may permit the parties to submit further written or oral arguments or information.

(b) Following its investigation, the Office provides to the complainant and the educational agency or institution written notice of its findings and the basis for its findings.

(c) If the Office finds that the educational agency or institution has not complied with the Act or this part, the notice under paragraph (b) of this section:

- (1) Includes a statement of the specific steps that the agency or institution must take to comply; and
- (2) Provides a reasonable period of time, given all of the circumstances of the case, during which the educational agency or institution may comply voluntarily.

(Authority: 20 U.S.C. 1232g(f))

Reg. 99.67 How does the Secretary enforce decisions?

(a) If the educational agency or institution does not comply during the period of time set under Reg. 99.66(c), the Secretary may, in accordance with part E of the General Education Provisions Act —

- (1) Withhold further payments under any applicable program;
- (2) Issue a complaint to compel compliance through a cease and desist order; or

(3) Terminate eligibility to receive funding under any applicable program.

(b) If, after an investigation under Reg. 99.66, the Secretary finds that an educational agency or institution has complied voluntarily with the Act or this part, the Secretary provides the complainant and the agency or institution written notice of the decision and the basis for the decision.

(Note: 34 C.F.R. Part 78 contains the regulations of the Education Appeal Board) (Authority: 20 U.S.C. 1232g(f); 20 U.S.C. 1234)

[53 Fed. Reg. 11943, Apr. 11, 1988; 53 Fed. Reg. 19368, May 27, 1988, as amended at 58 Fed. Reg. 3189, Jan. 7, 1993]

Appendix

[As published in 61 Fed. Reg. 59291, 59297-59298 (November 21, 1996)]

(Note: This appendix will not be codified in the Code of Federal Regulations.)

Model Notification of Rights Under FERPA for Elementary and Secondary Institutions

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

(1) The right to inspect and review the student’s education records within 45 days of the day the District receives a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of student’s education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask [this school district] to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[OPTIONAL] Upon request, the District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. [Note: FERPA requires a school district to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.]

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-4605.

[Note: In addition, a school may want to include its directory information public notice, as required by Sec. 99.37 of the regulations, with its annual notification of rights under FERPA.]

Model Notification of Rights Under FERPA for Postsecondary Institutions

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

(1) The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of student's education records that the student believes are inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company within whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[OPTIONAL] Upon request, the University discloses education records without consent to officials of another school, upon request, in which a student seeks or intends to enroll. [Note: FERPA requires an institution to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.]

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-4605.

[Note: In addition, an institution may want to include its directory information public notice, as required by Sec. 99.37 of the regulations, with its annual notification of rights under FERPA.]

INDIANA LAWS

IMMUNITY AND DUTY TO WARN

IC 34-30-16-1

Sec. 1. A mental health service provider is immune from civil liability to persons other than the patient for failing to:

- (1) predict; or
- (2) warn or take precautions to protect from;

a patient's violent behavior unless the patient has communicated to the provider of mental health services an actual threat of physical violence or other means of harm against a reasonably identifiable victim or victims, or evidences conduct or makes statements indicating an imminent danger that the patient will use physical violence or use other means to cause serious personal injury or death to others.

As added by P.L.1-1998, SEC.26.

IC 34-30-16-2

Sec. 2. The duty to warn of or to take reasonable precautions to provide protection from violent behavior or other serious harm arises only under the limited circumstances specified in section 1 of this chapter. The duty is discharged by a mental health service provider who takes one (1) or more of the following actions:

- (1) Makes reasonable attempts to communicate the threat to the victim or victims.
- (2) Makes reasonable efforts to notify a police department or other law enforcement agency having jurisdiction in the patient's or victim's place of residence.
- (3) Seeks civil commitment of the patient under IC 12-26.
- (4) Takes steps reasonably available to the provider to prevent the patient from using physical violence or other means of harm to others until the appropriate law enforcement agency can be summoned and takes custody of the patient.
- (5) Reports the threat of physical violence or other means of harm, within a reasonable period of time after receiving knowledge of the threat, to a physician or psychologist who is designated by the employer of a mental health service provider as an individual who has the responsibility to warn under this chapter.

As added by P.L.1-1998, SEC.26.

IC 34-30-16-3

Sec. 3. A mental health service provider who discloses information that must be disclosed to comply with sections 1 through 2 of this chapter is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality.

As added by P.L.1-1998, SEC.26.

VOLUNTARY AND INVOLUNTARY TREATMENT BY DIVISION FOR MINORS

IC 12-23-12-1

Sec. 1. A minor who voluntarily seeks treatment for alcoholism, alcohol abuse, or drug abuse from the division (of Mental Health) or a facility approved by the division may receive treatment without notification or consent of the parents, guardian, or person having control or custody of the minor.

As added by P. L. 2 -1992, SEC 17.

IC 12-23-12-2

Sec. 2. Notification or consent is at the discretion of the division or a facility approved by the division. A criminal action or civil suit may not be maintained against the division or the division's agents for the reasonable exercise of this discretion.

As added by PL 2-1992, SEC 17.

IC 12-23-12-3

Sec. 3. A minor less than eighteen (18) years of age may be placed under the treatment supervision of the division by the court having jurisdiction over the minor, according to the procedure established for juveniles in such cases or the procedure established by this article if the court having juvenile jurisdiction waives jurisdiction.

As added by P. L. 2 -1992, SEC 17.

MEDICAL CONSENT

IC 16-36-1-1

Sec. 1. As used in this chapter, “health care” means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual’s physical or mental condition. The term includes admission to a health care facility.

As added by P. L. 2 -1993, SEC 19.

IC 16-36-1-2

Sec. 2. As used in this chapter, “representative” means an individual appointed to consent to health care of another under this chapter.

As added by P. L. 2 -1993, SEC 19.

IC 16-36-1-3

Sec. 3. (a) Except as provided in subsections (b) and (c), unless incapable of consenting under section 4 of this chapter, an individual may consent to the individual’s own health care if the individual is:

- (1) an adult; or
- (2) a minor and:
 - (A) is emancipated;
 - (B) is:
 - (i) at least fourteen (14) years of age;
 - (ii) not dependent on a parent for support;
 - (iii) living apart from the minor’s parents or from an individual in loco parentis; and
 - (iv) managing the minor’s own affairs;
 - (C) is or has been married;
 - (D) is in the military service of the United States; or
 - (E) is authorized to consent to the health care by any other statute.

(b) A person at least seventeen (17) years of age is eligible to donate blood in a voluntary and noncompensatory blood program without obtaining parental permission.

(c) An individual who has, suspects that the individual has, or has been exposed to a venereal disease is competent to give consent for medical or hospital care or treatment of the individual.

As added by P. L. 2 -1993, SEC 19.

CIRCUMSTANCES UNDER WHICH A CHILD IS A CHILD IN NEED

IC 31-34-1-6

Sec. 6. A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child substantially endangers the child's own health or the health of another individual;
and
- (2) the child needs care, treatment, or rehabilitation that the child:
 - (A) is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

As added by P.L.1-1997, SEC.17.

**ACCESS TO MATERIALS RELATING TO PERSONAL ANALYSIS, EVALUATION OR SURVEY OF STUDENTS;
CONSENT FOR PARTICIPATION**

IC 20-10.1-4-15

Sec. 15. (a) A school corporation shall make available for inspection by the parents or guardians of a student any instructional materials, including:

- (1) teachers' manuals;
- (2) student texts;
- (3) films or other video materials;
- (4) tapes; and
- (5) other materials; used in connection with a personal analysis, an evaluation, or a survey described in subsection (b).

(b) A student shall not be required to participate in a personal analysis, an evaluation, or a survey that is not directly related to academic instruction and that reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings concerning:

- (1) political affiliations;
- (2) religious beliefs or practices;
- (3) mental or psychological conditions that may embarrass the student or the student's family;
- (4) sexual behavior or attitudes;
- (5) illegal, antisocial, self-incrimination, or demeaning behavior;
- (6) critical appraisals of other individuals with whom the student has a close family relationship;
- (7) legally recognized privileged or confidential relationships, including relationship with a lawyer,

minister, or physician; or

(8) income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program; without the prior consent of the student (if the student is an adult or emancipated minor) or the prior written consent of the student's parent or guardian (if the student is an unemancipated minor). A parental consent form for such a personal analysis, evaluation, or survey shall accurately reflect the contents and nature of the personal analysis, evaluation, or survey.

(c) The department and the governing body shall give parents and students notice of their rights under this section.

(d) The governing body shall enforce this section.

As added by P. L. 204-1995, SEC

STUDENT SERVICES RULE

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Final Rule

LSA Document #99-229(F)

DIGEST

Adds 511 IAC 4-1.5 to change requirements for school student services programs. Repeals 511 IAC 4-1. Effective July 19, 2000.

511 IAC 4-1

511 IAC 4-1.5

SECTION 1. 511 IAC 4-1.5 IS ADDED TO READ AS FOLLOWS:

Rule 1.5. Student Services

511 IAC 4-1.5-1 Definitions

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) “Credential” means a professional certificate or license issued to an individual by an agency of Indiana. For the purpose of this rule, the term does not include any of the various forms of credentials issued by professional associations.

(c) “Educational and career services” means services that assist students in identifying realistic and challenging futures and provide the support services to help in realizing those futures.

(d) “Elementary school” means grades 1 through 6.

(e) “Health services” means programs and services that promote and protect the health, safety, and well-being of students to assure a healthy environment that nurtures academic growth.

(f) “Secondary school” means grades 7 through 12.

(g) “Student assistance services” means services that prevent or alleviate problems that interfere with student learning.

(h) “Student services” means:

- (1) educational and career services;
- (2) student assistance services; and
- (3) health services.

(i) “Student services personnel” means persons who provide educational and career services, student assistance services, or health services and who hold credentials in the areas of:

- (1) school counseling for educational and career services;
 - (2) school counseling, school psychology, or school social work (master’s level) for student assistance services;
- or
- (3) registered nursing for health services.

(Indiana State Board of Education; 511 IAC 4-1.5-1)

511 IAC 4-1.5-2 Personnel

Authority: IC 20-1-1-6; IC 20-1-1.2-18
Affected: IC 20-1-1.2

Sec. 2. (a) Student services personnel shall hold appropriate credentials.

(b) The following ratios are recommended for providing student services:

- (1) For elementary educational and career services, one (1) school counselor for every six hundred (600) students enrolled in grades 1 through 6 in the corporation.
- (2) For secondary school educational and career services, one (1) school counselor for every three hundred (300) students enrolled in grades 7 through 12 in the corporation.
- (3) For student assistance services, one (1) school counselor, school psychologist, or master’s level school social worker for every seven hundred (700) students enrolled in the corporation.
- (4) For health services, one (1) registered nurse for every seven hundred and fifty (750) students enrolled in the corporation.

(Indiana State Board of Education; 511 IAC 4-1.5-2)

511 IAC 4-1.5-3 Records

Authority: IC 20-1-1-6; IC 20-1-1.2-18
Affected: IC 5-15-6; IC 20-1-1.2

Sec. 3. All records shall be maintained, released, and destroyed in accordance with:

- (1) the provisions of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g and the regulations at 34 CFR 99) and the Indiana Public Records Act (IC 5-14-3); and
- (2) records retention schedules and regulations of the county commission of public records under IC 5-15-6.

(Indiana State Board of Education; 511 IAC 4-1.5-3)

511 IAC 4-1.5-4 Educational and career services

Authority: IC 20-1-1-6; IC 20-1-1.2-18
Affected: IC 20-1-1.2

Sec. 4. (a) School corporations shall provide educational and career services at the secondary school level. Secondary educational and career services shall be coordinated by a certified school counselor.

(b) School corporations should provide educational and career services at the elementary school level.

(c) Educational services shall include, but are not limited to, the following:

- (1) Admission and orientation, which includes developing and implementing a systematic program for the:
 - (A) orientation of prospective students; and
 - (B) orderly transfer of students in and out of the school.
- (2) Study skills and tutoring, which includes:
 - (A) assisting teachers in developing student study skills through a planned sequence of instruction; and
 - (B) arranging tutoring services through the school or private tutors as needed.
- (3) Achievement testing, which includes:
 - (A) assisting teachers with the administration of local, state, and national group achievement testing programs;
 - (B) providing individual achievement testing to students when needed; and
 - (C) assisting teachers and administrators in interpreting and reporting the results of achievement tests to students, parents, and the community.
- (4) Advising and scheduling, which includes:
 - (A) assisting students in planning a meaningful program of studies leading to appropriate educational and vocational placement; and
 - (B) ensuring that all staff who provide advisory services are knowledgeable of the school corporation's philosophy and procedures for course selection or placement.

(d) Career services shall include, but are not limited to, the following:

- (1) Career education, which includes providing a planned sequence of instruction in career education based on written proficiencies for all students in grades 1 through 12 in coordination with other schools in the corporation.
- (2) Career information, which includes disseminating current educational and occupational information to staff, parents, and community members, as well as to students.
- (3) Career assessment, which includes:
 - (A) administering interest inventories or other career assessment instruments to all students at least once during their school careers; and
 - (B) interpreting and reporting the results of career interests inventories to students, parents, and teachers.
- (4) Career planning, which includes providing assistance to students either through an advisory program or other small group presentations to help them develop educational and career plans.
- (5) Placement and follow-up, which includes:
 - (A) assisting students with:
 - (i) making choices;
 - (ii) learning about educational opportunities; and
 - (iii) making referrals to placement agencies, including when students:
 - (AA) are enrolled;
 - (BB) leave school prematurely; and
 - (CC) graduate; and
 - (B) conducting periodic follow-up studies of graduates to learn their degree of success in postsecondary endeavors.

(Indiana State Board of Education; 511 IAC 4-1.5-4)

511 IAC 4-1.5-5	Student assistance services
Authority:	IC 20-1-1-6; IC 20-1-1.2-18
Affected:	IC 20-1-1.2

Sec. 5. (a) School corporations shall provide student assistance services at the elementary and secondary school levels.

(b) Student assistance services shall be coordinated by a:

- (1) certified school counselor;
- (2) certified school psychologist; or
- (3) certified school social worker (master's level).

(c) Student assistance services shall include, but are not limited to, the following:

- (1) Prevention, which includes:
 - (A) assisting teachers and parents in delivering the health and social studies proficiencies of the school curricula;
 - (B) collaborating with community resources to develop summer and extended school programs to meet the social and recreational needs of students; and
 - (C) educating school staff and parents on the developmental needs and behavioral management of students.
- (2) Assessment, which includes:
 - (A) educating school staff and parents to identify and refer students who are experiencing problems that interfere with student learning;
 - (B) obtaining and interpreting data on student needs; and
 - (C) implementing the school's policies and procedures with regard to identifying and referring students with their families who are in need of special services.
- (3) Intervention, which includes:
 - (A) providing brief individual and group counseling to students and families who need help with personal concerns or developmental problems; and
 - (B) providing consultation services to school staff and parents regarding strategies for helping students cope with personal and social concerns.
- (4) Referral, which includes:
 - (A) implementing policies and procedures for referring students and families to student assistance services and to community agencies for intensive counseling or other specialized services not available from the school;
 - (B) disseminating a directory of community services and resources; and
 - (C) creating a system to monitor referrals to ensure that students and families receive services in a timely and appropriate manner.

(Indiana State Board of Education; 511 IAC 4-1.5-5)

511 IAC 4-1.5-6	Health services
Authority:	IC 20-1-1-6; IC 20-1-1.2-18
Affected:	IC 20-1-1.2

Sec. 6. (a) School corporations shall provide health services at the elementary and secondary school level.

(b) Except as provided in subsection (c), a school corporation shall employ at least one (1) registered nurse who holds a bachelor's of science in nursing and who shall coordinate health services.

(c) A school corporation may employ a registered nurse who does not hold a bachelor's of science in nursing to coordinate health services under the following circumstances:

- (1) The registered nurse was employed by the school corporation on June 30, 2000, to coordinate health services.
- (2) The registered nurse has been continuously employed in the same position since June 30, 2000.

(d) Health services include, but are not limited to, the following:

- (1) Prevention, which includes:
 - (A) creating a safe and healthful school environment through a continuous health program for all students;
 - (B) employing principles of learning and appropriate teaching in the delivery of health education; and
 - (C) acting as a resource to students, families, staff, and the community regarding:
 - (i) health services;
 - (ii) health education; and
 - (iii) a healthy environment.
- (2) Assessment, which includes:
 - (A) maintaining a continuous health program for all students through implementing and monitoring health services in accordance with laws, regulations, and standards of practice; and
 - (B) using the nursing process to collect, interpret, and record information about the health, developmental, and educational status of students to determine a nursing diagnosis and develop health care plans.
- (3) Intervention, which includes:
 - (A) implementing and monitoring a system for the provision of health services and emergency care;
 - (B) providing individual and group counseling to students and staff in health related matters; and
 - (C) communicating with parents and collaborating with others to facilitate the continuity of services and care.
- (4) Referral, which includes:
 - (A) utilizing appropriate health care personnel and health care resources to meet individual student needs;
 - (B) evaluating student and family responses to nursing actions and referrals; and
 - (C) coordinating health services with:
 - (i) families;
 - (ii) other school programs;
 - (iii) in-school professionals;
 - (iv) school-based resources; and
 - (v) community-based resources.

(Indiana State Board of Education; 511 IAC 4-1.5-6)

511 IAC 4-1.5-7 Crisis intervention plans

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-1-1.2

Sec. 7. Each school corporation shall, in concert with the emergency preparedness plan developed under 511 IAC 6.1-2-2.5, develop a crisis intervention plan for the school corporation and for each school in the school corporation. The plan, which should be developed by student services personnel in conjunction with school administrators and community crisis intervention personnel, shall include crisis management and intervention provisions. *(Indiana State Board of Education; 511 IAC 4-1.5-7)*

511 IAC 4-1.5-8	Student services program management
Authority:	IC 20-1-1-6; IC 20-1-1.2-18
Affected:	IC 20-1-1.2

Sec. 8. (a) Program management activities, which are necessary to ensure that the student services program is relevant, efficient, and accountable, may be performed at the school or corporation level and should be the responsibility of a person who holds a credential in a student services area or an administrator.

(b) Program management activities shall include, but are not limited to, the following:

- (1) Conducting needs assessments to serve as a basis for program development.
 - (2) Creating and using an advisory board, consisting of staff, parents, students, and community representatives, to advise and support the student services program.
 - (3) Developing, in conjunction with school corporation administrators, policies and procedures for each service area for approval by the governing body of the school corporation.
 - (4) Coordinating services:
 - (A) within the school;
 - (B) among the schools in the corporation; and
 - (C) between the schools and the community.
 - (5) Creating an evaluation system, for personnel and services, which is based in part on student outcomes.
- (Indiana State Board of Education; 511 IAC 4-1.5-8)*

Adopted by the Indiana State Board of Education on April 13, 2000.